

THE
LIFE
OF
WILLIAM LORD RUSSELL.

VOL. I.

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William Lord Russell &c. &c.

From an original Picture in the Possession of His Grace the Duke of Bedford.

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THE
LIFE
OF
WILLIAM LORD RUSSELL;
WITH SOME ACCOUNT OF
THE TIMES IN WHICH HE LIVED.

By LORD JOHN RUSSELL.

THIRD EDITION.

IN TWO VOLUMES.

VOL. I.

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TO
PREFACE

JOHN DUKE OF BEDFORD,

THIS WORK IS INSCRIBED,

AS A MARK OF

RESPECT, GRATITUDE,

AND

AFFECTION

* Barnett, Temple, Hunt, &c.

TO
JOHN DUKE OF BEDFORD

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PREFACE.

ALTHOUGH it cannot fail to be gratifying to the feelings of a descendant of Lord Russell to record the actions of so worthy an ancestor, I should hardly have undertaken the task without some view of general utility. The fame of Lord Russell might be safely left to the historians of all parties, who concur in his * praise ; nor have the endeavours which have been lately made to detract from his merits, obtained sufficient notice from the public to require an answer. But in these times, when love of liberty is too generally supposed to be allied with rash innovation, impiety, and anarchy, it seems to me desirable to exhibit to the world,

* Burnet, Temple, Hume, &c.

at full length, the portrait of a man who, heir to wealth and title, was foremost in defending the privileges of the people : who, when busily occupied in the affairs of public life, was revered in his own family as the best of husbands and of fathers : who joined the truest sense of religion with the unqualified assertion of freedom : who, after an honest perseverance in a good cause, at length attested, on the scaffold, his attachment to the ancient principles of the constitution, and the unalienable right of resistance. Nor does it take away from the usefulness of such an attempt, that Lord Russell was sometimes led into error by credulity or party zeal : let others attempt, if they can, to avoid such mistakes ; but let them, at the same time, confess, that the courage and perseverance of Lord Russell were amongst the chief causes of that Revolution to which we owe our present liberties.

There are some observations, however, which ought properly to precede this work, lest the reader should find the same disappointment in

the perusal, which the author felt in the commencement of his enquiry.

What most contributes to render biography amusing, is a certain singularity, and some degree of forwardness and presumption in the hero.

But the character of Lord Russell was plain, sober, and unaffected: he was not endowed with brilliant talents, and he made no attempt to distinguish, either by speaking or writing, his own merit from that of the party with which he acted. He does not appear as an original proposer of any great measure; and he always inclined to the course which was the least striking and ambitious. Why, then, it may be said, obtrude upon the public an account of his life? I can truly answer, that after having written by far the greater part of this work, and laid it aside for nearly two years, my first impressions on reading it again were, that it could not, in this shape, be given to the world.

But other reflections induced me to resume it.

The period to which the active life of Lord Russell belongs is one of great importance. From the year 1670 to 1683 may be styled the middle of that great contest which, beginning in 1641, and ending in 1688, has been very properly called a revolution of half a century.

The sons of Charles the First had confident expectations of establishing an arbitrary monarchy in England; and, on the other side, there were many real patriots determined to surrender their liberties only with their lives.

At this period a struggle took place between the Crown and the Parliament, which ended in the complete victory of the former; and had not James attacked the church, as well as the constitution, would, probably, have led the way to despotism. The triumph of Charles the Second over his Parliament was scarcely less signal than that of the Parliament over his father, and, like it, sealed with blood. But it differs in one remarkable particular. Although Charles the Second was finally successful, all

the laws enacted during the contest were in favour of the conquered party.

The history of this period, as Mr. Serjeant Heywood has remarked, has not yet been accurately written. Hume had finished his work before Sir John Dalrymple published the valuable dispatches of the French ministers in England; besides which, every reader must feel that his partiality to the house of Stuart greatly lessens the value of what he has written. Yet, even with these defects, such is his depth of thought, and beauty of style, that I cannot take up his book without wondering at my own presumption in describing events which have been related by so able an author.

A very different feeling arises in my mind on looking at the work of Sir John Dalrymple. At first one is inclined to believe, that his taste for bombast led to his numerous errors; but when it appears, as I think it does in the following pages, that there is not a single member of the Whig party of any note whom he has

not traduced by false allegations, it is difficult to acquit him of intentional misrepresentation.

The last few years have brought to light several works which illustrate the reign of Charles the Second. The Life of King James, great part of which is written by himself, and Evelyn's Memoirs, are the most remarkable. With the assistance of these materials I conceived that it was possible a narrative might be formed of the domestic history of Charles the Second, not altogether uninteresting. And although I have been obliged sometimes to lose sight of Lord Russell, he is always closely connected with the subject; for the opposition made to the designs of this unprincipled King began with his entrance into public life, was continued with his aid, and was totally extinguished at his death.

The principal sources from which the present work is derived, are the well-known histories and memoirs, written by persons who lived at the time of which they treat. But it would be

ungrateful in me not to acknowledge the great obligations I owe to the late Mr. Howell, the editor of Cobbett's State Trials. The new Parliamentary History has also been of great use to me. And I have derived most useful lights from the observations on this reign in the introductory chapter of Mr. Fox's History; a work which contains more sound constitutional opinions than any other history with which I am acquainted. Some information was gained from the letters of Secretary Coventry, in manuscript, at Longleat. A few letters and papers are preserved at Woburn Abbey. But by far the most valuable assistance I have received, has been from the original letters of Lady Russell, which the Duke of Devonshire had the kindness to let me see. They will, I hope, be given to the world as soon as this work, accompanied by all the illustrations they require.

In this place I beg to return my best thanks to Lord Sidmouth, for the permission to see some papers concerning Lord Russell, in the

State-Paper Office. And to Lord Granville Somerset, for the research he desired to be made into the books of the Treasury.

The style and composition of the following work require much apology, which, I trust, the indulgence of the public will supply.

July, 1820.

I consider it necessary for my own justification, to publish the two following notes. When I was engaged in writing the Life of Lord Russell, I naturally became anxious to see the dispatches of Barillon, which Sir John Dalrymple copied and published. My first application was in the summer of 1818, and it has been renewed more than once; but the first regular answer I have received, was to a request made in the course of the present spring, through the Count de Caraman, who at present represents the French government at London.

His immediate attention to my letter, and indeed the obliging manner of his reply, demand my best acknowledgments. His answer is as follows :

(Translation.)

“ The Count de Caraman presents his compliments to Lord John Russell, and has the honour to inform him, that having written to M. le Baron Pasquier on the subject of his request, to be allowed to consult the dispatches of M. Barillon at the Archives, he has received for answer, that the regulations of the office of Foreign Affairs do not permit a communication of this nature, and reference is made to an antecedent decision taken by the Duc de Richlieu, and communicated to Lord John Russell.

“ The Count de Caraman deeply regrets not having been more fortunate in this little negotiation, the success of which would have been agreeable to Lord John Russell; but if his object is to ascertain some fact, or to obtain some detail, the Count de Caraman would be happy to transmit to Paris the notes which

Lord John might address to him, and to endeavour to acquire the information he desires.

“ He seizes this occasion to renew the assurance of his high consideration.

“ *Portland Place,*

24 June, 1820.”

To which I returned the following Answer :

“ *Holland House, June 26. 1820.*

“ Lord John Russell presents his compliments to M. le Comte de Caraman, and begs to return him his best thanks for the readiness with which he transmitted his request, and the manner in which he communicates the answer.

“ Lord John Russell, however, must be permitted to say, that he never received the previous decision of the Duc de Richlieu in answer to his application, and that on the contrary, he was told by Sir Charles Stuart, that the Duc de Richlieu had given a verbal

assurance that it should be granted. The Duc de Richlieu was at the congress of Aix la Chapelle when the request was formally made to him, and his reply was never received.

“ It is with some surprise, therefore, as well as great regret, that Lord John Russell has learnt the decision of the Baron Pasquier, so opposite to the conduct of the French government to Sir John Dalrymple before the Revolution, and to Mr. Fox in 1802. And if there were any case in which a request of this nature might be properly granted, he should suppose it would be when the dispatches are already published, and when those dispatches, so published, are supposed to cast a stigma upon the ancestor of the person making the application. And he might expect that such a request would be favourably entertained at this time, as, if rightly informed, the Count de Hauterive, who presides over the Archives, is himself an author, and obtained the favour of Napoleon, then Emperor of France, by a very able pamphlet in support of the Continental System.

“ Lord John Russell feels very grateful to M. le Comte de Caraman for his obliging offers, but he has no farther request to make.”

I have only further to add, that unless I had been permitted to hunt Sir John Dalrymple through all his extracts, (some of which he allows himself to have been at first incorrect,) it would have been impossible for me to ascertain whether he had misquoted or omitted. But the truth is, the French gentleman who is entrusted with the care of the Archives, from which the charge against the Whigs was made, would not approve of the political tendency of the refutation.

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FACSIMILE OF THE WRITING OF LORD RUSSELL.

I cannot but think myself very
unfortunate in appearing at this
place charged with a crime of
the blindest, & wickedest nature
& that intempered & intemperate with
the treasonable & horrid practices
& speeches of other men: And the
Kings learned Council taking all
as Rickisings, & other regicides,
y^r brother and wil be with me
& sister Margaret:

THE LIFE
OF
WILLIAM LORD RUSSELL.

CHAPTER I.

ORIGIN OF THE FAMILY OF RUSSELL. — THE FIRST EARL OF BEDFORD. — FRANCIS, EARL OF BEDFORD. — WILLIAM, EARL OF BEDFORD.

THE family of Russell seems to have been long in possession of a small landed property in Dorsetshire. In 1221 John Russell was constable of Corfe Castle. William Russell, in 1284, obtained a charter for a market at his manor of Kingston-Russell. In the first year of Edward the Second, he was returned to parliament one of the knights for the county of Southampton. Sir John Russell, the lineal descendant of William, was Speaker of the House of Commons in the second and tenth years of the reign of Henry VI. His son John Russell lived at Bar-

wick, about four miles from Bridport.* A fortunate occurrence opened the way to wealth and honour.

In the twenty-first year of the reign of Henry VII., Philip, Archduke of Austria, and in right of his wife, King of Castile, having encountered a violent storm on his passage from Flanders to Spain, was obliged to put into Weymouth. Sir Thomas Trenchard, who lived near the port, entertained him in the best manner he was able, till he could acquaint the King with his arrival. In the mean time he sent for Mr. Russell, who had travelled abroad, and was acquainted with foreign languages. The Archduke was so much pleased with Mr. Russell that he took him with him to court, and recommended him warmly to the King. He was immediately made one of the gentlemen of the privy-chamber. He afterwards attended Henry VIII. in his expedition in France, and was present at the taking of Therouenne and Tournay. He obtained for his services certain lands in Tournay. When the place was afterwards given up, the orders from the King to deliver it into the hands of the French were directed to him. In 1522, he was knighted by

* Dugdale's Baronage, v. ii. p. 277.

the Earl of Surrey for his services at the taking of Morlaix in Bretagne, and was created Lord Russell in 1539.*

Lord Russell performed important services to the crown, and to his country. Besides having served with distinction at the taking of Tournay and of Morlaix, he was instrumental in negotiating with the Constable Duke of Bourbon, and

* Mr. Burke has endeavoured to throw a slur upon the memory of the first Lord Russell, by saying that the first grant made to him by the crown was from the confiscated estate of the Duke of Buckingham. "Thus," he continues, "the lion having sucked the blood, threw the offal carcase to his jackal in waiting." We have seen that the first grant was not from a confiscated estate, but a grant in fee of lands at Tournay taken from the enemy. Nor is there any ground for the rest of the imputation. The name of Lord Russell does not appear in the list of those to whom the estates of the Duke of Buckingham were given. The grant of the manor of Agmondesham to Lord Russell took place eighteen years after the execution of the Duke of Buckingham. Mr. Burke has likewise endeavoured to represent the first Lord Russell as a minion of Henry VIII. probably resembling his master in character. There seems no foundation whatever for this aspersion.

Another charge of Mr. Burke is thus completely refuted by the *Monthly Review*:—"Calais was in the possession of the English about 300 years. Boulogne fell into their hands about the year 1544, Lord Bedford being one of the captors; yet Mr. Burke ascribes to the cession of Boulogne, which had been in the hands of England about six years, the fall of Calais, which had been safe nearly 300 years, without this 'outguard.'"

Monthly Review Enlarged, 1796, vol. xix. p. 318.

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was present at the battle of Pavia. He went twice again into France in a military capacity, and on the last occasion commanded the vanguard. For these services in various capacities he undoubtedly obtained very splendid rewards. He held the important office of Lord Admiral of England and Ireland. He was made Marshal of the Marshalsea, Lord Warden of the Stanaries in the counties of Devon and Cornwall, and Knight of the Garter. In 1540, on the dissolution of the monasteries, he obtained a grant of the rich abbey of Tavistock, and of a very large estate belonging to it. Three years afterwards he was made Lord Privy Seal. When a council was appointed to govern the counties of Devon, Cornwall, Somerset, and Dorset, he was named its president. And the King on his death-bed appointed him one of the sixteen executors of his will. In the same year he obtained, by a grant from King Edward, the dissolved monastery of Woburn.

The beginning of the reign of Edward the Sixth was disturbed by insurrections, which had their origin in a general inclosure bill; but were afterwards converted by the priesthood to a religious purpose. The rising which took place in Devonshire was one of the most formidable. The insurgents, joined by Humphrey Arundel, governor of St. Michael's Mount, demanded that

the mass should be again performed, and half the abbey-lands restored. Lord Russell, who was sent against the rebels, was at first too weak to prevent their laying siege to Exeter. But having received reinforcements, he attacked and routed them at Fenniton Bridge.* Lord Russell took no part in the cabals of this reign. When a conspiracy was formed against the power of Somerset, he remained neuter, and did not join the party of Warwick, till Somerset had submitted, and asked pardon of his enemies. Three months afterwards he was made Earl of Bedford.

On the accession of Queen Mary, he was sent to Spain, to attend Philip to England. A few months after *this*, he died at his house in the Strand, on the 14th of March, 1555.

Francis, the second Earl of Bedford, was present at the battle of St. Quintin, and held many great offices under Queen Elizabeth. He married a daughter of Sir John St. John, sister to the first Lord St. John of Bletsoe. He was succeeded by his grandson, Edward, who died without issue, in 1627.

The title then passed to the issue of Sir William Russell, the fourth son of Francis. Sir William was a person of considerable talents and

* Hume, c. 35. Collins's Peerage.

enterprise. In 1580, he was knighted for his services in Ireland. He afterwards went with the Earl of Leicester to the assistance of the Dutch. His conduct at the battle of Zutphen is thus quaintly described by Stowe: — “ He charged so terribly, that after he had broke his lance, he so played his part with his cuttle-axe, that the enemy reported him to be a devil, and not a man ; for where he saw six or seven of the enemies together, thither would he, and so behave with his cuttle-axe, that he would separate their friendship.”

He was afterwards Lord Deputy of Ireland, where he made himself very conspicuous for prudence as well as valour.

He took great pains to prevent the excesses of the army. He directed, by his general orders, that the soldiers should give money or a ticket for their diet ; that there should be no charge on the country for more men than there really were ; that they should not ask for more than a breakfast and supper ; and that their quarters should be assigned by the civil magistrate. These regulations were well calculated to conciliate the lower orders. Had the court taken his advice, another measure which he recommended, would probably have gained over the nobility. He proposed that the lands of the church which had been confiscated, should be

given equally to the leading men of both religions. Had the catholics accepted the spoils of their own church, it is evident they would have become attached to the government from which they had obtained them. On the accession of James, he was created Baron Russell of Thornhaugh. He died in 1613, leaving an only son, Francis, who, fourteen years afterwards, succeeded to the title of Earl of Bedford.

Francis, Earl of Bedford, engaged, in 1630, in the great work of draining the fens, in the counties of Northampton, Cambridge, Huntingdon, Norfolk, and Lincoln: these fens have since been called from him the Bedford Level.

He was the first of the peers who signed the famous petition in 1640, setting forth "the apprehensions they had of the dangers of the church and state, and to his person, and the means to prevent them; and advised the King to call a parliament, whereby the causes of their grievances may be taken away, and the authors and counsellors punished." *

When parliament met he was the leader, in the House of Peers, of those who were for asserting the liberty of the subject; but at the same time, he would not consent to many of the vio-

* Whitelocke, p. 35.

lent measures proposed. Mr. Pym, who was member for the Borough of Tavistock, followed a similar line in the Commons.

When the King admitted some of the popular leaders to his councils, he resolved to make the Earl of Bedford Lord High Treasurer, and Mr. Pym Chancellor of the Exchequer; but Lord Clarendon says the Earl was determined not to enter into the Treasury, till the bill for tonnage and poundage was granted for life; and he, with the rest of those who were first offered places, declined to take them, till the rest of their party should also be admitted to the confidence of the King.

When a discovery was made to the Earl of Bedford, Lord Say, and Lord Kimbolton, of a design, real or pretended, to bring the army from the North to London, such was their temper and moderation that they did not publish it; but contenting themselves with preventing its execution, the whole plot was kept secret till long after the Earl of Bedford's death.

And when Lord Strafford was tried, the Earl of Bedford told Lord Clarendon, that it was the rock upon which they should all split: that he had in vain endeavoured to prevail upon his friends to accept the King's offer, that Lord Strafford should be banished for life: and that he did not see how the King, who was firmly

convinced of the injustice of the condemnation, could ever give the royal assent to the act of attainder. The Earl of Bedford died on the 9th of May, 1641. His character is thus drawn by Clarendon, a political enemy, at a time when these enmities were sharpest.

“ The other accident that fell out during the time that the business of the Earl of Strafford was agitated, and by which he received much prejudice, was the death of the Earl of Bedford. This lord was the greatest person of interest in all the popular party, being of the best estate, and best understanding, of the whole number ; and therefore most like to govern the rest. He was besides of great civility, and of much more good-nature than any of the other. And therefore the King, resolving to do his business with that party by him, resolved to make him Lord High Treasurer of England, in the place of the Bishop of London ; who was as willing to lay down the office, as any body was to take it up. And to gratify him the more, at his desire, intended to make Mr. Pym Chancellor of the Exchequer, as he had done Mr. Saint-John his Solicitor-general ; as also, that Mr. Hollis was to be Secretary of State, the Lord Say Master of the Wards, and the Lord Kimbolton to be Lord Privy Seal after the death of his father, who then held that place. Others were to be placed

about the prince, and to have offices when they fell.

“ The Earl of Bedford secretly undertook to His Majesty, that the Earl of Strafford’s life should be preserved ; and to procure his revenue to be settled, as amply as any of his progenitors ; the which he intended so really, that, to my knowledge, he had it in design to endeavour to obtain an act for the setting up the excise in England, as the only natural means to advance the King’s profit. He fell sick within a week after the bill of attainder was sent up to the Lords’ House ; and died shortly after, much afflicted with the passion and fury which he perceived his party inclined to : insomuch as he declared, to some of near trust to him, “ that
“ he feared the rage and madness of this Par-
“ liament would bring more prejudice and mis-
“ chief to the kingdom, than it had ever
“ sustained by the long intermission of parlia-
“ ments.” He was a wise man, and would have proposed and advised moderate courses ; but was not incapable, for want of resolution, of being carried into violent ones, if his advice were not submitted to : and therefore many, who knew him well, thought his death not unseasonable, as well to his fame, as his fortune ; and that it rescued him as well from some possible guilt, as from those visible misfortunes,

which men of all conditions have since undergone."

William, the father of Lord Russell, succeeded to the earldom. The situation of affairs at this time might have disturbed the resolutions of the wisest heads. On the one hand, the King had provoked a civil war, and had he gained the victory, would undoubtedly have crushed for ever the rights and privileges of the people. On the other side, the parliament was becoming more and more averse to the kingly form of government. Between the two dangers with which the constitution was threatened, the Earl of Bedford seems to have steered a wavering and unsteady course.

He was at first Master of the Horse to the Parliament, and was greatly instrumental in gaining the battle of Edgehill, where he commanded the reserve.

But in 1643, being desirous of peace, he agreed with the Earl of Essex, the Earl of Clare, and the Earl of Holland, to make an effort for that purpose. They obtained a vote of the House of Lords, desiring a conference with the Commons, and declaring they were resolved to send propositions to the King. But the Commons refused to agree to their propositions, and such tumults were raised, that they did not consider it safe to remain in London. Upon

this, the Earls of Bedford and Holland went to the King's garrison at Wallingford, but it was some time before they were allowed to go to Oxford. The Earl of Bedford then joined the army, and fought in the King's regiment of horse at the battle of Newbury. Being disgusted, however, with the treatment he received at Court, he returned with Lord Clare to the Earl of Essex, on Christmas-day 1643, having been only four months with the King's army. He was ordered into custody by the Parliament, and his estate sequestered. The estate was restored to him, however, after a few months, when the success of the Parliament had put them in good humour. He never afterwards sat in the Long Parliament, or concurred in any of their councils. He assisted in the conferences previous to the restoration, and at the coronation of Charles II., bore St. Edward's sceptre.

In early life he formed an attachment to Lady Anne Carr, daughter of the Countess of Somerset, so well known in history for her participation in the infamous murder of Sir Thomas Overbury.

The daughter, it is said, never heard of her mother's crime till she read of it by chance in a pamphlet, and was then so affected with horror, that she fell down, and was found sense-

less with the book open before her. But though the guilt of her mother was not likely to influence her conduct in any other way, than by inspiring her with a more serious attention to the duties of morality, the Earl of Bedford with a natural feeling opposed their union, and it was said, that his son had leave and liberty to choose in any family but that. But as a strong mutual attachment subsisted, and Lord Somerset made great sacrifices to promote the marriage, every obstacle was finally vanquished, and Lord Russell, in the summer of 1637, received the hand of Lady Anne Carr. *

By her he had seven sons, and three daughters : viz.

1. John, who died an infant.

2. Francis Lord Russell, who seems to have been affected all his life with hypochondriacal malady, and never took any active interest in life. He died in 1678.

3. William, who became Lord Russell after his brother's death.

4. Edward, who lived to the age of seventy-two. He represented the county of Bedford in seven successive parliaments, and in the year 1700 was appointed Lord Lieutenant of the

* *Strafford's State Papers*, v. ii. p. 2. 58. 86.

county of Middlesex, during the minority of Wriothesly Duke of Bedford.

5. Robert.

6. James.

7. George.

The daughters were :

1. Lady Anne, who died unmarried.

2. Lady Diana, married at the age of fifteen to Sir Grevil Verney, of Compton Verney, in the county of Warwick, and secondly to William Lord Allington, Constable of the Tower.

3. Lady Margaret, who married Edward Russell, Earl of Orford, her first cousin.

CHAP. II.

BIRTH AND EDUCATION OF WILLIAM RUSSELL. — LETTERS WRITTEN ON HIS TRAVELS. — LETTER TO HIS BROTHER. — FIGHTS A DUEL. — HIS MARRIAGE.

WILLIAM RUSSELL, the subject of this work, was born September 29. 1639. He is said to have been educated at the school of one Lewis ; and a foolish story is told that this man, dressing up a dog, and calling him by the name of Charles Stuart, set the boys to try him in a mock court of judicature.*

Mr. Russell was sent with his elder brother to Cambridge, where they were put under the tuition of Mr. Nidd. A letter of this gentleman, dated in 1654, gives an account of their progress in logic, the Roman historians, and natural philosophy. When their university education was completed, the brothers were sent abroad, and appear to have resided some time at Augsburg. The two following letters, the one from Mr. Russell to some person unknown;

* Kennet's Chronicle.

and the other from Mr. Thornton to Mr. Russell, illustrate the manners of the writers, and of their age.

I copy these two letters, without any alteration in the spelling.

Mr. Russell to —

“ It is not long agoe since I received two letters from you together, and soone after another, that seconded them (bearing date Nov^r 20^h) for which I give you many thanks, as likewise for the continuance of your friendship. By your last I understand that mine from this place, Geneva, and Lyons are come to your hands: truely we arrived at the last place in the luckiest time desirable for all sort of fine sights, divertisements and recreations, for the concourse of people was then soe great by reason of the Queene of Sweden’s arrivall there, that the town was hardly able to contain them, for in the house where wee lodged there were above an hundred persons, most persons of qualitie, and many handsome Ladyes, soe that a nights we had dancing and towards the evening’s bathing, w^{ch} truely is a very fine recreation: although the Ladyes have their faces masked, neverthesse one may sometimes espye parts that doe not less add to their luster. I wished you a sight of it truely as well as of the

Queene of Sweden, who surely deserves it if any woman does, I doe not meane for the beauty of her face, but for that Maiestie that appeares in it, as likewise in all her actions and comportments, which savour far more of a man than of a woman, which sex she resembles in nothing more than in her inconstancie, for in truth I conceive her to bee as weary of her new religion as of her old one, as is plainly seen by her postures, gestures, and actions at Masse, before which I think she would at any time preferre a good Comedie, and a handsome wit-tie Courtier before the Devotest Father. The rarities of Lyons are not many in number, but those that are we saw. We went to the Hospital (call'd de la Charité); it is one of the richest in all France, it feeding daily in the house above a 1000 persons, and without 15,000 (besides strangers), to whom every Sunday are distributed 6000 loaves, which come to 36,000 pound weight of bread, The granary is stored with corne for many yeares. Sir I told you in one of my former of our journey to the Carthusian Monasterie, but not of the reasons that moved St. Bruno (a German by nation) to retire himself into that desart, and there to constitute this order, because I suppose you have read it elsewhere; but whatsoever his reasons were, sure it is that tis y^e stricktest order among

the papists, or rather imaginable, for what can there bee more strange than to see men in the flower of their age voluntarily to submit themselves to that kind of life where they are deprived of all the recreations and pleasures this world affords; for women are not permitted to go over their grounds, much lesse to enter their Convent; never eate flesh, (for although the eating of a bit of flesh would save their lives yet they would not be permitted to do it,) are the most part of their days and nights in their church, never talke together but on Sundays and Holidays, and then noe longer than while they bee at dinner (w^{ch} doth not laste for above an houre), and enjoye the sight of nothing but mountains and precipices, w^{ch} to behold strike devotion into a man. I could inform you of many other particularities, in regard I rose in the night to see the ceremonies they used in the church, but it would require a volume: In short, I think they take more paines in going to Hell, than a good Christian doth in going to Heaven. Wee went from thence to Grenoble, and after three days' journey wee arrived at the gates of Geneva, where, while they were asking our names, country, and from whence wee came, I had leasure to see the place where the Savoyards attempted to take the towne by stratageme in the year 1602, and had scal'd

the walls; nevertheless were repulst with great losse and shame. In the Arsenal they keep the Colours that were taken from the Ennemie scaling ladders (made after such a manner that they were carried behind the horsemen, being to bee taken to pieces,) and a petard, charged with the same charge t'was then, as Trophies of the Victorie. Soe that ever since they have kept very strickt watch, and let noe people come in without knowing who they are, a doing of which they kept us soe long that I had time to looke upon their Armes, with their motto, which is at present *Post tenebras Lux* — before the Reformation it was *Post tenebras spero Lucem*. Wee had no sooner entered the towne but wee espied a wooden structure very offensive to the eye, and hinders a man from a view of the houses which are very well built for the most part, nevertheless tis very convenient in hot and rainey weather. Geneva is very pleasantly situated, having vineyards and meadows about it, and a very fine lake, wherein are taken the best trouts that can bee eaten, and it's reported that Monsters have been seene in it not above water but under, which I first heard off as followeth: — Wee went to see the Librarie, (where there is a Bible written in French 400 yeares agoe, with many other rare Manuscripts,) which looketh upon the Lake, the bottom of which the mariners could not

find with 500 fathom ; tis reported that not far from thence a boat chanced to be cast away wherein there were bells, the which a man undertook to recover for some sum of money, to which place being gone with all his instruments and devices, but he had not been very long under water, but he pulled a cord (which was the signal when they should pull him up,) and when they had done soe he told them (being all frightened) that he saw the bells, but such horrid monsters by them in cavernes, that he thought if he went downe againe he should never come up again : which happened as he had said, for going down for the second time the cord was cut in two, and the man never heard of since. I tell it you the more credibly, in regard that the Minister who shewed us the College and Librarie said it had happened in his time. Sir, I thought to have given you some account of Augsburgh, but I see I have husbanded neither time nor paper, wherefore I must break off thus abruptly. In my nexte I shall not faile to tell you something of the place, and apologize for my scribbling. In the mean time I rest

“ Sir,

“ Your assured friend,

“ WILLIAM RUSSELL.

“ From Augsburg, Dec^r 27—it is

now very late at night —1656.”

Mr. Thornton to Mr. Russell.

“ Hon^{ble}. Sir,

“ Twice now hath y^e sun (that perpetuall Traveller) completed his tour through y^e 12 Signes, & returned to y^e same point, (if I misremember not,) since I kissed y^{or} hands, & left you in y^e sight of that military vessell that wafted you from England into a forrain soile. In lieu of w^{ch} losse (give me leave to call it so) I could not expect so rich a compensation as I have since received by your frequent & handsome letters. How proud I am of them, & what contentment they afford me, may be read (they say) plainly in my countenance, every time a pacquet comes. I have two now to return you thanks for, viz. that of Apr. 3. st. n., & one that I received two houres agoe, dated y^e 18th of y^e same moneth, each of them fraught with choise descriptions & observations cloth’d in a style so free, masculine, coherent, exact, & every where like itself, that I profess (wthout flattery) the greatest masters of eloquence need not be ashamed to own it. To encourage you to proceed and out-doe yourself, let me insert a passage out of a late Autho^r, (w^{ch} comes now to my mind,) viz. [that pens improve like children’s legs, proportionably to their exercise : so

y^e some have bin amazed at y^e length of their own reach when they came to be extended by employment: as appeared in y^e late King Charles; who, after his more imperious destiny had placed him under y^e tutorage of an unavoidable necessity, attain'd a pen more majesticall than the crown he lost.] I think I hinted to you in my former, how much my Lord y^{or} father is pleased with y^e perusall of yours to me, & often he sends for them to shew to strangers, who thereupo' do much congratulate y^e happy succeſſe he hath, & is like to have of y^{or} education. This last w^{ch} I received this afternoon hath given him (as well as myself) very acceptable entertainment, & your Lady mother too, who is but now beginning to come out of her chamber: ſhee took much notice of one particular, viz. that of y^e Count of Avensberg's 32 ſons, eſpecially when ſhee heard they were ſo well provided for. I ſhould have ſuppoſed they were not all legitimate, but that History tells me the German women are good breeders, and y^e men not addicted to that vice of unchastity. I wiſh I had bin with you when you ſaw thoſe various rarities in the Duke of Bavaria's pallace. I like extremely well that ſentence under y^e Emblem of Monarchy, (& ſo did my Lord when I interpreted it to him.) Some might do well to relate it to his Highneſſ y^e L^d Protectour, who,

I beleeve, may subscribe to y^e truth of y^e first of the 3 already (for sure it hath cost him many a sigh to get to this altitude,) & how soon he may to the other 2, *retinendi*, & *amittendi*, *dies docebit*. His finall answer was expected this day, but 'tis put off till to-morrow. We are all very much mistaken if he accept not y^e Crown. And then 'twill be, As you were. Some oppositions have bin made by those fifth-monarchy-men I mentioned in my last, who were taken in time with their armes & am'union, & standard, &c. Since which time they were attempting again, and appointed a place of rendezvous, w^{ch} y^e Protecto^r having secret intelligence of, sent Mr. Randall, (even Joshua Randall, y^e sober mad-man as he called him,) whom he knew to be trusty and resolute, wth a party of horse to take them. 'Twas about Epping in Essex; whither he got about midnight, & found them gathering into a body well arm'd and horsed: he divides his party, & falls upo' them on a sudden, firing (with powder only) in their faces, w^{ch} so amazed them that they cryed quarter: & were about 60 taken (more than y^e party that took them: y^e rest escaped away,) & brought to White-hall by 6 of y^e clock in y^e morning, wth their hands bound behind them on their horse-backs, for w^{ch} good service my L^d Protecto^r hath an eye upo' him.

that may well make him expect farther p^rferment. He might have had a good officer's place, if he would have gone with those forces that ar^e sent over to help y^e French against y^e Spaniard : but his wife kept him from accepting it : & I think he would not willingly leave her for any such designe.

“ The letter you sent to yo^r uncle John, & that w^{ch} accompanied it with pictures for me, have not bin yet received : & I believe never will now : for it is 6 weekes since that wherein the flea-chain, and y^e pictures of s^c German beauties were enclosed came to my hands, for which I do again give you my very humble thanks. I have satisfyed many curious eyes with them already ; & had I a few more such rarities my chamber would be resorted to like John TreDESCANT's. The truth is I have an ambition to obtain your two pictures in one way or other, w^{ch} Tho. Gregory puts me in hopes I shall. However, I shall treasure up y^{or} letters (those pictures of y^{or} better part) & therewith entertain myself & others, till you appear in person to answer y^e expectation that is rais'd of you. But give me leave to reinforce my former petition, viz. that you would please to gratify me with some account of what you do in order to yo^r keeping or encreasing yo^r knowledge in y^e Latine tongue, (w^{ch} I beleieve you

find y^e benefit of every day more & more,) as also of what experiments or rarities, appertaining to Optiques, Geometry, Astronomy, or any other Science you have met with, seen, or heard of since your comming into Germany, & that you would please to hearken after such things for y^e future. But I hasten. Yours to Mr. Nid and Mr. Knightbridge were delivered; & I expected one fro' Mr. Nid to you, but have not yet heard fro' him.

“Yo^r brothers p^rsent their service to you: but I cannot get them to doe it with their own pen. A word or two from you to mind their studies, [would take much & be very acceptable to my Lord. You forgot to tell me in yo^r bro^s whether y^e Coates of Armes I sent were according to y^{or} mind, and whether you desire more.

“I should be very glad to be employed in any service I am capable to p^rform for you. Let me conclude with a request to you to seek, & feare God above all; & with a request to God to own, direct, & sanctify you; which I pray for wth all my hart as y^e unum necessariu'. And herein I am sure I answer y^e title of

“Sir,
 “Yo^r faithfull Servant,
 JOHN THORNTON.

“Ne sit mortale quod optes.

“ I much wonder that you write English so true, wherein (for want of heed) you were formerly so much defective.

“ Bedford-house,

May 7th s^r vet.

1657 die 4”

Mr. Russell spent the winter of 1658 at Paris; and it appears by a letter to his cousin Mr. Henry Capel, of too little consequence to merit insertion here, that he did not escape the affectation common to young travellers, of using French phrases and words for things which may be as well expressed in English.

More serious thoughts were awakened by a severe illness which was the occasion of his writing in the following terms to Mr. Thornton.

“ I am recovered of an unruly sickness, which brought me so low that I was just at death's door: my prayers to God are to give me together with my health, grace to employ it in his service, and to make good use of this his visitation by the serious application of it.”

These reflections are a proof of a religious disposition. But it was not till after his marriage that he applied himself with earnestness both in meditation and action to fulfil the duties of a Christian.

The following letter to his brother explains

how he was employed in the year 1659, and is a proof of his consideration for those who had been attached to his person.

“ Most Deare Brother,

“ When I left you at Augsburg out of vexation to stay there soe long; I thought good to leave you the letter you find here, to bee given you in case I should miscarry, for to make myself known not to be ungrateful. I was moved to't, because I intended as then to have made a far longer journey from you then I did, as it fell out; for having heard that there were Commanders of Consideration of the King of Sweden's at Ulm, a leaging men, I thought I might have had a fine occasion by their meanes to make a voiage unto that armie, and afterwards give an account of it to my lord (who as I thought would not have been much against it when 'twas done), excusing it upon a distaste of Mr. Hainkofer's proceedings, and my inclination to the warres. But my designe succeeded quite otherwise: for when I came to Ulm, instead of finding the King of Sweden's officers, I found none but the Emperour's, wherefore it pleased God to make me take the resolution of staying there for your comeing till indede you came, which I was easily induced

to by the tender love I bore you, which by the way let me assure you is still the same. The reason of my writing this for you at present is to let you know, that now since my coming over out of France I have opened and viewed these two letters, and altered them in some places as I have thought fit; and having reduced the quantitie of what I desire should be givin to 80l. sterling a year, the which summe I desire you, and moreover conjure you by the love that has ever bin between us, to see duely paid every year to Mr. John Thornton our tutor, and Fox Gregory our servant, during their lives according as I have divided it between them. Written by me, your most loving and affectionate Brother,

“ WILLIAM RUSSELL,
“ Woburne Abbey,
the 5 Dec^r 1659.
“ The night before I went
up to London.”

Upon the Restoration he was elected member of parliament for Tavistock. But the Court, which was then the scene of magnificence and gaiety, seems to have attracted his first attention, and, according to Bishop Burnet, drew him into some irregularities. Thus entangled

in a Court life, he appears, by the two following letters to his father, to have been engaged in duels, the common practice of the age. As a mark of respect, these letters are sealed in the old fashion with silk-thread as well as sealing-wax.

“ My Lord,

“ Although I think I have courage enough to fight with any body without despairing of the victory, yet neverthelesse knowing that the issue of combats depends upon fortune, and that it is not allwayes hee that has most courage and the justest cause who overcomes, but hee that is luckiest; and having found myself very unluckie in several things, I have thought fitt to leave these few lines behind mee for to expresse (in case I should miscarry) some kind of acknowledgement for the goodness Your Lordship has had in shewing mee soe much kindness above what I have deserved. I have the deepest sense of it in the world, and shall alwayes (during life) make it in my businesse to expresse it by my life and actions. For really, my Lord, I think myself the happiest man in the world in a father, and I hope (if I have not already) I should at least for the future have carried myself soe as not to make

Your Lordship think yourself unhappy in a sonne. My Lord, in case I miscarry (for without it I suppose this will not come to your hands), let me beg it of you to remember mee in the persons of those who have served me well. Pray let not my friend Taaffe suffer for his generous readinesse to serve mee, not only on this occasion but in severall other wherein he has shewed himselfe a very generous and kind frind to mee, therefore pray bring him off cleare, and let him not suffer for my sake. For my men, I doubt not but your Lordship will reward them well. For Robin, my footman, because hee has served me faithfully, carefully, and with great affection, and has lost a great deal of time with mee, I desire that 20 pounds a year may be settled on him during his life: and the French man I hope you'll reward very well, having served with care and affection. For my debts, I hope your Lordship will see them paid, and therefore I shall set them down to prevent mistakes. I owe one hundred pounds, forty pounds, and I think some 4 or 5 more to my Lord Brook: this is all I owe which I can call to mind at present, except for the cloaths and some other things I have had this winter, of which my man can give an account. I have not time to write any longer, therefore I shall

conclude with assuring your Lordship that I am as much as it is possible for one to be,

“ My Lord,

“ Your Lordship’s

“ Most dutifull Son

and humble servant

“ WILLIAM RUSSELL.”

“ Thursday Morn^g,

“ July y^e 2^d 1663.

“ My Deare Lord,

“ I have here inclosed a letter which I writ not long agoe upon the like occasion, and therefore shall say little now, being in hast, but only to assure you that I am of the same mind still, and think myselfe the happiest man alive in a father, and shall alwayes make it my businesse to be a dutifull sonne, tho’ now I am forced to slip away without your Lordship’s privitie, but I hope you will not take it ill when it shall appear upon what account it is, and that honour commands me not to stay nor aske leave to goe.

“ My Lord, I know it is not impossible for mee to miscarry, though I do not at all feare it, and therefore shall reiterate my supplications which I made in the inclosed, which is, that you will provide for my servants and see my debts paid, which are something increased since the last yeare by reason of my small allowance ;

to prevent mistakes I shall leave a catalogue of them. Between 60 and 70 pounds to my Lord Brook, some tradesmen's bills, of which my man can give an account. This being all I can say at present, I shall take my leave of you, and rest till death,

“ My Deare Lord,

“ Your most dutifull and ever
affectionate sonne,

“ WILL^M. RUSSELL.”

“ Mund. morning,

“ Ap^l. 26. 1664.

“ I forgot one debt, which is of one hundred pounds to Alderman Backwell.

“ Going for Portsmouth I have looked over this and y^e inclosed, and find it soe sutable to sense, that I must desire you to agree to it in case I should dye before I come back. What's blotted out is pay'd. *

“ WILL: RUSSELL.”

A letter of Mr. Edward Russell, written about this time, mentions his brother's recovery from a wound he had received in an affair of

* In the lines blotted out, there appear several sums owing to himself.

honour, and rejoices in his escape without further hurt “from so adroit an adversary.”

In a life of Lord Russell, published in 1684, it is said that he accompanied the fleet of the Duke of York in the first Dutch war. This is probably a mistake. Edward Russell, (perhaps his cousin, who was afterwards Earl of Orford,) was on this expedition, and his letter to Mr. Russell after the battle, excites a smile by its brevity and its postscript.

From on board the Princ.

“Dear S^r, the 2 daye of Jun.

“I must Confes i have bin to idell in not giving you thankes for all your kindnes, but i shall never forget to one them: i suppose the discription of the fight will be in print as soun as my Letter Cumes to your hands. The Duke is myty kind to me, and will give me a shipe as soun as wee cum to an anchor in the river. Praye present my most humble services to my Ladey Maud,

“and i Rest your most Humble servant,

“ED. RUSSELL.

“M^r. Digby and m^r. nickolds is ded.”

It is uncertain when Mr. Russell first became acquainted with his future wife. She was the second daughter and co-heiress of Wriothesly,

Earl of Southampton, and widow of Lord Vaughan, the eldest son of Lord Carberry. Two letters, however, written before their marriage, are preserved, in which he expresses his gratitude and attachment.

They were married in 1669. To the influence of this excellent woman we must attribute not only the happiness, but many of the most admirable qualities of Lord Russell. But I will not here attempt to paint her character. It may be known at once from the following letter.

“ London, Sept. 23d, 1672.

“ If I were more fortunate in my expression, I could doe myselfe more right when I would own to my dearest Mr. Russell what real and perfect happynesse I enjoy from that kindnesse he allowes me every day to receive new marks of; such as, in spite of the knowledge I have of my owne wants, wil not sufer me to mistrust I want his love, though I doe merit to so desireable a blessing: but my best life, you that know so well how to love, and to oblige, make my felicity entire, by believing my harte possest with all the gratitude, honour, and passionate affection to your person any creature is capable of, or can be obliged to; and that granted, what have I to aske, but a continuance (if God see fit) of these present enjoyments? if not, a

submission without a murmur to his most wise dispensations and unerring providence, having a thankful harte for the yeares I have been so perfectly contented in. He knows best when we have had enough here: what I most earnestly beg from his mercy is, that wee both live soe as which ever goes first, the other may not sorrow as for one of whom they have no hope; then let us cheerfully expect to be together to a good old age, if not, let us not doubt but he will support his servants under what trials he will inflict upon them. These are necessary meditations sometimes, y' we may not be surprised above our strength by a sudden accident, being unprepared. Excuse me if I dwell to long upon it; 'tis from my opinion that if wee can be prepared for al conditions, we can with the greater tranquillity enjoy the present; which I hope will be long, tho' when we change 'twill be for the better, I trust, through the merit of Christ. Let us dayly pray it may be so, and then admit of no feares. Death is the extremest evil against nature, it is true; let us overcome the immoderate fear of it, either to our friend or selfe, and then what light hearts may we live with. But I am immoderate in my length of this discourse, and consider this is to be a letter. To take myself off, and alter the subject, I will tell you the newes came on Sunday night," &c.

The rest of the letter contains court and family news. Enough has been quoted to show that this excellent woman enjoyed the most perfect happiness with her husband. And as, according to Sir W. Temple, he was without tricks or private ambition, he was not likely to forego the tranquil enjoyment of his home for the bustle of public life, where (in the most favourable view of it) pleasure is not so un-mixed, nor duty so obvious. Hitherto he had been a silent member of the House of Commons, though he had sate there for more than twelve years; and in all probability he would have continued through life an inactive representative, had not extraordinary events called forth the native energy of his character, never afterwards to sleep but on the scaffold. A view of the period when he first came forward in public will, I hope, satisfy the reader that no man could any longer keep aloof who valued the independence, the freedom, and the religion of England.

CHAP. III.

THE RESTORATION. — ADMINISTRATION OF CLARENDON AND SOUTHAMPTON. — THE CHARACTERS OF THE KING, THE DUKE OF YORK, AND THE CABAL. — DESIGNS OF THE KING AND DUKE. — TREATIES WITH FRANCE. — MISTAKE OF MR. HUME. — BEGINNING OF THE SECOND DUTCH WAR. — OPPOSITION IN PARLIAMENT. — TEST ACT. — SHAFTESBURY JOINS OPPOSITION. — HIS CHARACTER. — WAR BECOMES UNPOPULAR. — PEACE WITH HOLLAND. — RUIN OF THE CABAL.

THE restoration of Charles II. was hailed by all classes of people with unbounded joy. A change of opinion so complete has called forth a charge of fickleness against the English character from one of the lightest and gayest writers of that age. * It may, however, be more honourably accounted for; the revolution in the state, like some disorders in the body, had worked its own cure. The opposition which Charles I. made to his people, when asking for their legal rights, produced a party who set no just bounds to their pretensions. The king's violence became the cause of a civil war, and

* Hamilton, *Memoires de Grammont*.

his insincerity prevented any hope of peace. On the other hand, the army which the people had been obliged to raise in defence of justice and freedom, finally overturned both by aiding the expulsion of the parliament, the execution of the king, and the elevation of Cromwell. But an authority so irregular could not long maintain itself in England, and the Protector was no sooner dead than the people openly showed their longing for the restoration of the ancient constitution. The artifices of Monk, and their own tumultuous joy, unfortunately hindered the nation from listening to those who advised them to secure the rights for which so much blood had been shed. The calamities of civil war were mingled in their minds with constitutional privileges.

In this temper the people willingly obeyed the voice of the royalists, and echoed the prejudices to which, twenty years before, they had refused a hearing. And although the king and his minister did not entirely abstain from acts of vengeance, no sympathy could be excited in favour of those who were looked upon as the authors of the late troubles. Yet in the joy of new power, the professions of the sovereign were plausible and constitutional. "I shall not propose to myself," he said, "any one rule in my actions and counsels, than this,

‘What is a parliament like to think of this action or this counsel?’ and it shall be a want of understanding in me, if it will not bear that test.” *

For some years the prudence of Clarendon, who neither tried to make his master independent of parliament nor refused promotion to those who had raised themselves during the commonwealth; and the integrity of Southampton, who presided over the treasury with exemplary vigilance, preserved the balance of the government. But the death of the latter, and disgrace of the former minister, gave free scope to the favourites and the inclinations of the king.

Charles II., in the station of a private gentleman, would have been universally liked. Few men had such captivating manners, and no man ever united wit and good-nature in society to a greater degree. He had a natural kindness of temper which influenced his moral conduct, and prevented his becoming the oppressor of his queen, when he could not be constant to her; nor was his inclination for women gratified with so much contempt of virtue as of decency. His mistresses appear to have been

* King's Speech.

all ready to err, even though their tempter had not worn a crown.* No unsuspecting innocence was betrayed; no conjugal felicity was destroyed by his amours. During the latter part of his life, he lived with women rather to indulge indolence than to gratify desire. His brother the Duke of York, and his son the Duke of Monmouth, had equal reason to be grateful for his indulgence. Though the one was the cause of all his troubles, and the other helped to foment them, his behaviour was in almost every instance kind and affectionate.

But the cares and duties of a throne were fitted to expose the defects of Charles in the most glaring light. It was evident, that he was indolent, mean, false, unprincipled, and selfish. The most important affairs could not make him active; the most solemn engagements, true; the most shameful proposals could not rouse his pride, nor the affection of a great people induce him to sacrifice the least and lowest of his pleasures. He wasted a capacity for which the mighty cares of government afforded ample scope in the

* "If love prevailed with him more than any other passion, he had this for excuse, besides that his complexion was of an amorous sort, the women seemed to be the aggressors; and I have since heard the king say, they would sometimes offer themselves to his embrace." Reresby, p. 165.

sciences of chemistry and mechanics which he could not forward ; and he lowered the character of his country abroad, that he might establish a despotism at home.

It is certain that adversity had not improved the character of Charles. Surrounded by his father's old friends, who had suffered from a popular revolution, he learnt to esteem his own authority too highly, and to regard with suspicion and aversion the inclinations of his people. The want of money and of consideration abroad led him into a vagabond course of life, and obliged him to practise the arts of a courtier, when he ought to have maintained the dignity of a sovereign. Whilst those immediately about him persuaded him that he was king of England by Divine right, he could not go out of this narrow circle without encountering the rebuffs of Cardinal Mazarin or Don Lewis de Haro.

His residence in Scotland had disgusted him with religious fanaticism. He is said to have reconciled himself to the church of Rome at Paris some years before the Restoration ; but, however that may be, it is certain that the little religion he possessed was Roman Catholic.

The character of the Duke of York was essentially different from that of his brother, Charles was quick, fickle, and indolent ; James

was dull, obstinate, and busy: the king was indifferent about religion, the duke was one of the greatest bigots that ever lived. The Duke of Buckingham described their characters very well in a few words by saying, "Charles could see things if he would, James would see things if he could." *

Various relations have been given of the conversion of the Duke of York. He tells us himself, that he was converted by reading Hooker's Ecclesiastical Policy.† But, in fact, he could not fail to perceive that the Protestant religion was closely connected with freedom of opinion on other subjects, and that the Reformation was an example of resistance to ancient authority. Hence his preference of the Roman Catholic faith. Passive obedience was, in his opinion, the simple and sole duty of a subject to a sovereign. Such a political doctrine was the fit counterpart of a religious creed which acknowledged the infallibility of a living head. His opinions, formed from books, were confirmed by experience. He observed, when at Paris, that the English Catholics were generally royalists, whilst the Protestants were friends of Cromwell. It was impossible that a mind so

* Burnet, vol. i. 8vo. p. 214. fol. 169.

† Life of James, written by himself.

formed could be satisfied with the state of England, and he never relaxed in his endeavours to introduce the religion of Rome, and the government of France. He often lamented that a great fault had been committed at the Restoration in not making the crown for ever independent of parliaments. * He regarded the Habeas Corpus act as a malicious trick of Shaftesbury to diminish the just power of the crown. † And he entered into plans for making England an absolute monarchy with a zeal as strong as it was blind.

Yet it must not be imagined that James was without virtues. He was kind to his friends, and naturally just and true in his commerce with the world. But his bigotry, joined with his unnatural position, blotted out his good inclinations. The countenance he gave to the judgment against Argyle; his assisting at the torture in Scotland; and his attending races in the neighbourhood, when Lady Lisle was executed, leave an indelible stain upon his memory. He seems, by these instances, to have merited the retort of Ayloffe, who, when James advised him to make disclosures, for it was in his power to pardon, replied, "I know it is in your power, but it is not in your nature, to pardon."

* Life of James.

† Advice to his son.

The court of Charles II. carried the dissolution of morals to the greatest pitch. And the stage, at that time, united the profligacy of French, with the coarseness of English manners. The king loved to practise, and was forward to encourage, the most unbounded licence in conversation as well as in conduct. The loosest jests and the most indecent words were admitted into polished society, and even disgraced the literature of the day. Nor was it found possible to import the gallantry and dissipation of other climates without some mixture of the darker vices. Sir John Denham and Lord Chesterfield have both been accused of murdering their wives by poison, and the latter is said to have added deeper horror to his crime by administering death in the cup of the communion. These stories, whether true or false, could only have found belief in a profligate age. It seemed as if the domestic character of the nation was about to undergo an alarming change. But the mass of the English gentry did not follow the example of their sovereign; and he who examined beneath the surface would have found the soil rich in honour and virtue. The same age which produced the poetry of Rochester, and the plays of Dryden, gave birth to the writings of South, Taylor, and Barrow. And whilst the wits of the court were ridiculing

the epic poem of Milton, that sublime work was passing through the hands of thousands, and obtaining for its author that better sort of immortality which is gained by uniting the sentiments of a good man with the inspirations of a great poet. *

The following persons were the chief favourites at court :

The Duke of Buckingham had been bred up with Charles when he was a boy, and he is accused by Burnet of having been the first to pervert his principles, when they were together at Paris. But the sovereign seems to have been fully a match for the subject. His love of wit continually led him into satirical remarks on the conduct of Charles, and Charles as often showed himself incapable of long resentment. Every one knows the admirable lines of Dryden and Pope, to which his character has given rise.

He was the avowed lover of the Countess of Shrewsbury ; and it is said that she held his horse, in the dress of a page, whilst he fought with and killed her husband. Such are the ex-

* It is not true that Milton's poem was not popular at first. Fifteen hundred copies were sold in two years. Of the first volume of Hume's history, containing the reigns of the Stewarts, the number sold in a year was under fifty.

exploits which illustrate the gallantry and gaiety of this famous reign!

Sir Harry Bennet, afterwards Lord Arlington, was a man of no great capacity, but extremely well fitted to his situation. He had great skill in foreign languages, joined with many accomplishments, and did not think any art beneath him which might serve to raise his fortunes. During a mission in Spain, he had corresponded with the king by means of a gentleman of the bed-chamber, without the knowledge of the Chancellor or the other ministers. After this, he became the decided enemy of Lord Clarendon, and did his utmost to stimulate the king against him. When he obtained power, he endeavoured to retain it by flattering the king's taste. He invited Louise de La Querouaille to his house at Euston, where, it is said, the King celebrated a kind of mock marriage with * her; and he afterwards married his daughter, when only five years old, to the Duke of Grafton, the King's natural son by another of his mistresses.

Arlington was secretly a Catholic, but having observed the antipathy of the people to persons of that religion, he became their decided enemy, and was an object of their jealousy and hatred. Clarendon says, that of the affairs of England

* Evelyn's Memoirs, vol. i. p. 419.

he knew no more than of those of China, and always cried up the French government. Of his manners and appearance we have different accounts. The grave and sober Clarendon represents him as agreeable and insinuating, whilst the lively Hamilton, agreeing with a well-known ballad, considers him as dull and mysterious, imposing on the world by an affected solemnity, and made Secretary of State on the credit of his countenance.* A black patch on his nose added much to the gravity of his appearance.

Sir Thomas Clifford, the son of a clergyman in Devonshire, had embraced the Catholic religion before the Restoration. He was rough, violent, and ambitious in his nature. He was first employed and advanced by Lord Arlington, and appeared very grateful for a subordinate place. But when he found that he had a chance of obtaining the Treasurer's staff, he told the King that Lord Arlington did not desire to have it, whilst he persuaded Arlington that he was pleading for him. "This," says Mr. Evelyn, "was the only great ingratitude he showed."† He was the sole adviser of that

* Clarendon's Life, p. 181. 183. fol. d. Grammont, p. 122. quarto.

"Bennet's grave look was a pretence," &c. See Dryden's Works.

† Evelyn, p. 439.

scandalous expedient, the shutting up of the Exchequer.* He espoused, without measure or moderation, the interests of the Duke of York, and his imprudence, in this respect, became the cause of his disgrace, and soon after, of his death.

Lauderdale was a man formed to be the minister of an unprincipled king. His knowledge of Scotland, and his own inclinations, led him at first to favour the Presbyterians; but finding that court-favour was to be gained by an opposite conduct, he did not hesitate to execute a most bloody persecution for the purpose of introducing and establishing Episcopacy.

These ministers, together with Lord Ashley, afterwards Lord Shaftesbury, formed the council, "to all succeeding ages curst," under the name of the Cabal, which comprehends the initial letters of their names.

Their power, however, was not yet firmly established, and the king had not yet finally resolved to govern in direct opposition to the wishes of the nation.

* Evelyn, p. 425. quarto. A report was current that Lord Shaftesbury was the author of that measure, which Dalrymple of course believes. Mr. Fox positively denies its truth, probably on the authority of a passage in Belsham's history, which the reader will find in the Appendix to this work. The testimony of Evelyn seems to set the question at rest.

Great alarm had been raised by the conquests of Lewis XIV. in Flanders, and a book, written by the Baron d'Isola to refute the French pretensions, had increased the public ferment. In this conjuncture the King sent for Sir W. Temple, and by the advice of Arlington, and Lord Keeper Bridgeman, intrusted him with an embassy to the Hague. The consequence was, a triple alliance between England, Holland, and Sweden, to defend Flanders from any farther invasion.

But unfortunately the two objects of the King's predilection were those of his people's antipathy, France and Popery. With this disposition, he had proposed to enter into a treaty with France before he signed the triple alliance, and as soon as it was concluded he renewed his overtures.* But Lewis, probably thinking he should get better terms by affecting indifference, for some time declined to listen to them. Another circumstance brought the negociations to a successful or rather a disgraceful and unfortunate result.

The Duke of York had long wished for a formal reconciliation with the church of Rome. He proposed to his confessor to keep his conversion secret, and continue to profess openly

* Dalrymple, App. p. 11.

the Protestant religion. But whether the consciences of Father Symonds and the Pope were really scrupulous, or whether it be incompatible with the pride and policy of the papal see to

accept of an unavowed conversion, the
1669. fact is certain that both the confessor and the Pope informed James that it was contrary to their precepts to allow ill that good might come. In this dilemma, James applied to his brother, who acknowledged that he also felt uneasy at the restraint he was under in respect to religion. They had a solemn meeting in consequence, on the day of the conversion of St. Paul, when Charles proposed, as he and his brother were then in the full strength of life, to begin immediately a great work. It was agreed between them to profess openly the Catholic religion, and to attempt by means of an army the setting up an arbitrary monarchy. But as foreign aid was necessary, they determined to apply to the King of France for * assistance. Their overtures were most favourably received; and after some negociation, the Duchess of Orleans met her brother at Dover, in order to conclude the alliance. The event was a treaty, of which one article is so remarkable that it deserves to be inserted entire.

* Life of James, p. 440. et seq.

1670. " Article 2. * The King of Great May 22. Britain is convinced of the truth of the Catholic religion, and resolved to make his declaration of it, and to reconcile himself with the church of Rome, as soon as the affairs of his kingdom shall be sufficiently established to permit him. He has every reason to hope, and to be persuaded from the affections and from the fidelity of his subjects, that none of them, even of those on whom God shall not have yet so abundantly shed his grace as to dispose them by this august example to be converted, will ever fail in the inviolable obedience due from all people to their sovereigns, even of a different religion. Nevertheless, as there appear sometimes turbulent and restless spirits, who endeavour to disturb the public tranquillity chiefly when they can conceal their evil designs under the plausible pretext of religion, His Britannic Majesty, who has nothing more at heart (after the repose of his conscience) than to establish that which the mildness of his government has procured to his subjects, believes that the best means of preventing it from being disturbed is to be assured, in

* From an original in the possession of Lord Clifford. Rose, Obs. on Mr. Fox's work, p. 45. The project of the article, as given by Dalrymple, App. p. 55., is not materially different.

case of its being required, of the assistance of His Most Christian Majesty, who being willing, on this occasion, to give the King of Great Britain indisputable proofs of the sincerity of his friendship, and to contribute to the full success of a design so glorious, so useful to His Majesty, and even to the whole Catholic religion, has promised, and promises to give, for this purpose, to the said King of Great Britain, the sum of two millions of livres Tournois, of which half shall be paid three months after the exchange of the ratifications of the present treaty, &c. and the other half three months after. And further, the said Most Christian King binds himself to assist His Britannic Majesty with troops to the number of six thousand, if necessary, and even to raise and maintain them at his own cost and expense as long as the said King of Great Britain shall judge them to be necessary to him for the execution of his design. And the said troops shall be transported by the ships of the King of Great Britain to such places and ports as he shall judge most fit for the good of his service; and from the day of their embarkation shall be paid as aforesaid, by His Most Christian Majesty, and shall obey the orders of the King of Great Britain. The time of the said declaration of Catholicism is left entirely to the choice of the said King of Great Britain."

It is impossible to read this article without indignation at the unprincipled ambition, the shameless venality, and the cool hypocrisy of Charles. For the sake of public tranquillity, an army of Frenchmen was to be introduced into England to force the nation to embrace a religion they detested! The holy name of God is used for the purpose of sanctioning the subjugation of a free people by the assistance of a foreign power! Such was the return which a king of the house of Stuart thought fit to make to a country which had received him with unlimited confidence. Neither the affection which the people had shown to his person, nor the general duty of a sovereign to his subject, nor the solemn obligation of an oath, were sufficient to restrain Charles from signing a treaty, which will ever remain a monument of ingratitude, perjury, and treason. And as his offence cannot be justified, so neither can it be palliated. He was not obliged, whatever he might allege, by the unreasonable demands or unquiet humours of his people, to fly to foreign protection: his perfidy was as spontaneous as it was unexampled.

Several circumstances may tend to convince us that the intention of Charles in forming this treaty was almost entirely political. In a mind like his, sentiments of devotion are always subordinate to the calls of pleasure or convenience.

After the treaty was made, he feigned so many scruples, and invented so many pretexts for delaying his public conversion, that Lewis soon perceived his insincerity, and ceased to require it. His motives for entering into the treaty are thus explained by Colbert de Croissy, who signed it: — “Charles,” he writes, “said that he would still augment his regiments under the most specious pretexts he could devise. He told me he was pressed both by his conscience and the confusion he saw daily increasing in his kingdom, to the diminution of his authority, to declare himself a Catholic; and besides the spiritual advantage he should draw from it, he believed it to be the only means of re-establishing the monarchy.” *

The Duke of York, though much more earnest in his religion, seems also to have been chiefly intent on changing the form of government. He told the French ambassador that he believed a king and parliament could exist no longer together; and that they ought not to have recourse to the latter, till the war and the Catholic faith had come to an happy issue, when they should be in a condition to obtain by force what they could not gain by mildness. †

Such was the project formed by Charles and James as soon as they escaped from the control

* Dal. App. p. 32, 33.

† Ibid. p. 80. July 14. 1671.

of Clarendon and Southampton. It was to oppose this project that Lord Russell left the tranquillity of private life, and without any ambition to distinguish himself either as a speaker or a leader, did not hesitate to involve himself deeply in political contentions.

An endeavour to prevent the objects of this treaty from being attained, guided his conduct in life, and was finally the cause of his death. If we wish to estimate the value of his exertions, let us imagine the ravagers of the Palatinate admitted into this country by the treachery of its sovereign, and executing the designs of a native tyrant with the zeal of a foreign enemy. We shall then have reason to be grateful that some were found who opposed, from their commencement, the measures of the King's government.

The other parts of the treaty were for the advantage of Lewis. The King of England agreed to assist France in a war to be undertaken against Holland, for which he was to receive 3,000,000 of livres.* It had been long

* Besides this, the treaty contained an engagement on the part of Lewis not to attack the King of Spain, in return for which Charles agreed to support any future pretensions he might have to the Spanish crown. Burnet says, incorrectly, that the annexation of Hamburgh to Denmark, and of Genoa to Savoy, were stipulated by this treaty. That part which related to Hamburgh was struck out by the King of France;

the darling object of Lewis XIV. to crush his republican neighbour. He confessed to some of the most intimate of his courtiers, that he had been anxious and uneasy on this subject for three years, and that he had made the most advantageous offers to the King of Spain and the Elector of Brandenburg to obtain no more than their neutrality in this war.* But both those sovereigns seem to have considered the independence of Holland essential to the safety of Europe. Even Charles had endeavoured to delay the war with Holland till the internal affairs of England were settled. It was chiefly in order to obtain the priority for the war, that Lewis had sent the Duchess of Orleans to Dover, accompanied by Louise de la Querouaille, whose charms were successful in captivating the King. Yet in the autumn of this year he still hesitated.†

In the mean time, other intrigues had been pursued by the ministers of the two courts. Buckingham, aware of the inclinations of his master, but ignorant of the secret treaty which had been concluded, entered into a negociation

and the plan of subjecting Genoa to Savoy has been reserved for later times.

* Anquetil. *Cour de Louis XIV.* t. i. p. 212. Pelisson.

† Dal. Ap. p. 61.

with France by means of Sir Ellis Leighton. The King took advantage of this step to sign a treaty more calculated to meet the public eye than his secret engagements.

In this, which was called the sham treaty, the sum granted for the King's declaring himself a Catholic was disguised under the form of a subsidy for the first year of the war. Some of his most favoured ministers were deceived by this artifice. Indeed the part taken by the members of the Cabal in forming this alliance was by no means equal. Clifford and Arlington conducted the secret negociation ; Buckingham formed the second or sham treaty to which Lauderdale gave a ready, and Ashley a reluctant consent. *

Mr. Hume, not having had access to the papers published by Dalrymple before he wrote his history, has fallen into errors on the subject of this treaty, which he did not afterwards take the pains to correct. He represents the scheme of introducing arbitrary power and the change of religion into England, as the design of the ministry called the Cabal. He enters into a full description of their views, and proves that the end they pursued was blameable and pernicious,

* " Ashley Cooper asked time to consider." Dal. App. p. 69. He was afterwards one of the commissioners for signing the treaty.

and the means they were to employ impolitic and imprudent. After the publication of his history, however, he discovered from Dalrymple's papers, that only two of the five counsellors who formed the Cabal, Arlington and Clifford, were admitted into the secret of the King's engagements. And this confidence was placed in them, together with Lord Arundel and Sir Richard Bealing, because they were Roman Catholics. We might have expected that Mr. Hume would then have altered his view of this period, and described the scheme of establishing arbitrary power as a design of the King, confided to his popish counsellors. But instead of this, he merely inserts the correction in a note, and endeavours to reconcile it with the text by saying, that in the sham treaty there was virtually involved the assuming absolute power in England; for the support of French troops, and a war with Holland, could mean nothing else. The support of French troops was not, I believe, stipulated in the sham treaty; and a war with Holland surely does not necessarily imply absolute power in England.

Sir John Dalrymple, with a more complete knowledge of the fact, has more deeply entangled himself in error. He tells us, "All parties in England concurred in condemning the second Dutch war; the Tories, because

they thought they were removed from power to make way for it ; and the Whigs, because Charles made the heads of their party the instruments of it at first, and intended in the end to sacrifice them to it." * Every one who has read the history of Charles II. knows that at this time there were neither Whigs nor Tories ; that those whom Sir John Dalrymple calls Tories were not removed in order to make way for the Dutch war ; and that Charles did not make the heads of those whom he calls Whigs the instruments of it at first, nor intended in the end to sacrifice them to it. The only colour for this passage is, that Shaftesbury, who was properly a popular leader, afterwards became eminent amongst the Whigs, and that Buckingham, who properly belonged to the court, was for some time in opposition.

January, The King still wanted money, how-
1672. ever, to begin the undertaking. This
was obtained by a mode suggested by Sir
Thomas Clifford. † The King's revenue had
hitherto been farmed out to bankers, to whom
he allowed eight or ten per cent. for advancing
the money before the taxes were received. On
a certain day the Exchequer was shut, and all

* Dal. Rev. of Events, &c. p. 36.

† Evelyn. Vide p. 47. of this volume.

payments stopt, a measure equivalent to seizing a million and a half of other men's * property. Another expedient was, attacking the Dutch Smyrna fleet as it passed through the Channel, though the peace still subsisted. It was right and fitting that a war, undertaken to suppress liberty and in violation of justice, should begin by a fraudulent bankruptcy, and a perfidious aggression. †

For some time, Charles seems to have been successful in deceiving his parliament as to his real intentions. He had obtained from them a subsidy, under the pretence of supporting the triple alliance which was used to crush one of its members. He was thanked for allowing the laws to be put in force against dissenters, when, in fact, he had encouraged the violent churchmen to persecute, that indulgence might

* Burnet. Cobbett's Parl. Hist. vol. iv. p. 1166.

† Speaking of the gallant and generous Ossory, Mr. Evelyn says, "One thing more let me note, that he often expressed to me the abhorrence he had of that base and unworthy action he was put upon of engaging the Smyrna fleet in time of peace, in which, though he behaved himself like a great captain, yet he told me it was the only blot in his life, and troubled him exceedingly. Though he was commanded, and never examined further when he was so, yet he never spoke of it without regret and detestation." V. i. 491.

afterwards be more acceptable to the sufferers. To complete his success he had raised troops, and appeared attended to the House of Parliament by his new guards, being the first instance, in history, of the sovereign's entering upon his legislative functions under the protection of the sword. *

But it was not to be expected that the King's practices with France should remain entirely secret. Colbert de Croissy communicated the intelligence to the French minister in Holland, by whom the information was made use of to induce Sweden to renounce her faithless ally. Puffendorf, the King of Sweden's minister, carried the story to De Witt, who we may readily believe confided the intelligence to other ears besides those of Temple. Reports of the most alarming nature were spread in England; and the nation saw with regret that the triple alliance was abandoned, in order to open the way for French ambition. Nevertheless it is probable that the parliament would have enabled Charles to prosecute the war against Holland, perhaps to her ruin, had he not precipitated his measures, and endeavoured to promote the second object of the alliance before the first was gained.

* Feb. 14. 1670. Ralph.

March 15. A few days before the declaration of
1672. war, he published an indulgence to dissenters and popish recusants, dispensing with the penal laws in force against them. He thought that having already secured the church party *, who, with a servility not unusual to them, supported the views of the court, he should by this step gain the dissenters ; but so contrary to his hopes was the event, that when parliament met in 1673, the dissenters publicly desired their interests might not be considered by the House of Commons. An address to the Crown was voted, declaring that penal statutes, in matters ecclesiastical, cannot be suspended but by act of parliament. Clifford attacked this vote violently in the House of Lords ; but Shaftesbury, who had been made chancellor expressly to affix the great seal to the declaration, spoke in favour of the Commons † ; and the King, after saying in his first speech, “ I tell you plainly, gentlemen, I mean to stick to my declaration,” was obliged, a few days after, to

* Echard.

† It was during this debate that the Duke of York, alluding to Shaftesbury, is reported to have said, “ Brother, what a rogue you have of a Lord Chancellor.” To which Charles replied, “ Brother, what a fool you have of a Lord Treasurer.”

cancel it. Nor was this all: the Test Act was the offspring of the jealousy he had awakened, and it was no sooner carried into a law, than the Duke and Clifford, the two firmest pillars of prerogative, were removed from their offices.

From this time we may date the origin of the party to which Lord Russell henceforward belonged. There are persons who think the name of Party implies blame; who, whilst they consider it natural and laudable that men should combine, for any other object of business or pleasure, and whilst they are lavish in bestowing their confidence on government, which must in its nature be a party, find something immoral and pernicious in every union of those who join together to save their country from unnecessary burdens or illegal oppression. To such persons Lord Russell's conduct must appear indefensible.

But to all those who allow that party may sometimes be useful, and opposition often even necessary, I may safely appeal for the justification of his conduct. To overthrow a scheme so formed as that of Charles and James, it was not sufficient to give honest, but unconnected votes in the House of Commons. It was necessary to oppose public discussion to secret intrigue, and persevering union to interested combination: it was necessary to overlook the indiscreet violence of partisans, to obtain the

fruits of the zeal from which it sprung: it was necessary to sink every little difference in the great cause of the Protestant religion, and our ancient freedom: in fine, it was the duty of the lovers of their country to counteract system by system, and numbers by numbers. It may likewise be remarked, that the manner in which this party opposed the crown, was characteristic of the nation to which they belonged. In any of the continental monarchies, a design on the part of the king to alter the religion and the laws of the kingdom would have been met either with passive submission, insurrection, or assassination. For in those countries, men who did not dare to speak the truth to their sovereign, were not afraid to take up arms against him. But in England the natural and constitutional method of resisting public measures hurtful to the liberty or welfare of the people, is by a parliamentary opposition. This was the only course which Lord Russell and his friends ever thought of adopting; and they did it under circumstances extremely discouraging, for they could expect little support in a parliament chosen in the heat of the Restoration, and still less assistance from a press restrained by the curb of a Licence Act.

The individuals who made themselves most conspicuous, amongst the country party, were,

Lord Russell, Lord Cavendish, Sir W. Coventry, Col. Birch, Mr. Powle, and Mr. Littleton. Of the first, the subject of this work, Burnet says, "Lord Russell was a man of great candour, and of a general reputation; universally beloved and trusted; of a generous and obliging temper. He had given such proofs of an undaunted courage, and of an unshaken firmness, that I never knew any man have so entire a credit in the nation as he had. He quickly got out of some of the disorders into which the court had drawn him, and ever after that his life was unblemished in all respects. He had from his first education an inclination to favour the non-conformists, and wished the laws could have been made easier to them, or they more pliant to the law. He was a slow man, and of little discourse; but he had a true judgment, when he considered things at his own leisure: his understanding was not defective; but his virtues were so eminent, that they would have more than balanced real defects, if any had been found in the other." Lord Cavendish, an intimate friend of Lord Russell, had more quickness and talent, and was a very accomplished scholar. He maintained, through a long life, an ardent love of freedom, of which he gave proofs on many occasions. Sir W. Coventry was the model of a country gentleman, open, honest,

and sensible, not swayed either by ambition or animosity. Col. Birch spoke with force and vehemence, and was an excellent debater for a popular assembly, though his language retained somewhat of the roughness of his early habits. Before the civil war he had been a carrier. Powle was very learned in parliamentary forms, and Littleton had, more than any other person of his time, that command of historical knowledge, and that skill in argument, which are necessary to form an able speaker of the present day.

The Opposition at first proceeded in a very cautious manner. They agreed to vote a subsidy of 600,000*l.* for eighteen months, which was increased to 1,200,000*l.* by the treachery of Lee and Garroway, two of their party.* And when at the end of the session a petition of grievances was moved, it touched only on some irregular taxation, and some abuses in the conduct of the army, without mentioning the war, the ministry, or the shutting up of the Exchequer. The opposition reaped the benefit of their moderation. During the recess the misfortunes of the war made it very unpopular;

* Marvel seems to allude to this story, when he says,

“Till Lee and Garroway shall bribes reject.”

trade suffered, and the army became both expensive and oppressive. The consequence was, that when parliament met, and the king asked for fresh grants of money, a long debate took place; a cry of grievances came from every side of the House; the iniquity of the war, the sufferings of commerce, the danger of religion, were ably urged; and the supplies were finally refused. Shortly after, the Commons addressed the King, for the second time, to put a stop to the Duke of York's marriage, which had not yet been consummated, voted the standing army a grievance, and were going to attack the Duke of Lauderdale, and other evil counsellors, when the King suddenly prorogued them.

It is not uncharitable to suppose, that the recess, which lasted about two months, may have been employed in attempting to gain the Commons by private means. A negotiation with Holland was undertaken, probably with the view of satisfying the public mind, and with no farther design than an order, which was given about the same time, for excluding all Papists from St. James's palace and park. The Chancellor, Shaftesbury, was dismissed.

Lord Shaftesbury has obtained a character both in history and in poetry for the possession and the abuse of great talents; and it is but

fair to add, that there never was a statesman, against whom more unfounded charges had been brought. When not more than twenty-one years of age, he offered to Charles I. a plan of pacification with his people, and his proposition being accepted, he tried it with success at Weymouth, of which place he obtained possession, and was appointed governor. But Prince Maurice having broken the terms agreed upon, he joined the parliament, and continued a zealous republican till the Restoration, in which he had an important share. He had gone all lengths with Charles, except being a party to the secret French treaty; but observing that the King, notwithstanding his advice, was not resolute in maintaining the declaration, and that in case of an enquiry he should be an obvious mark for the parliament, and an easy sacrifice for the King, he suddenly changed his tone, and embraced the popular side.

His remarkable sagacity, his readiness in counsel, his boldness in action, and his peculiar skill in adapting his language to the character of those with whom he conversed, gave him an influence with the party that he joined which cannot be sufficiently lamented. His talents, undoubtedly, added weight to the scale in which he threw them, but his hot and restless temper betrayed his associates into measures

which prudence cannot justify. And the splendid abilities of Shaftesbury were not able to supply the want of consistency, sincerity, and honesty, without which no public man can obtain in England the confidence of the people either for his party or for himself. His connection with Lord Southampton, (being married to his niece,) which first brought him into the ministry, now served to draw closer the ties of political union with Lord Russell.

It is to be remarked, to the honour of Shaftesbury, that though in the secret of every party, he never betrayed any one; and that the purity of his administration of justice is allowed even by his enemies.

The parliament met on the 7th January, 1674, and no time was lost in making it resound with the grievances of the nation. On the 22d it was resolved to proceed to the redress of grievances, and to the removal of evil counsellors. An address to the King was also voted, desiring the militia might be ready to be called out in twenty-four hours to protect the country from popery, to which request His Majesty graciously acceded. On this day Lord Russell * made his first speech. From the

* He was at this time properly Mr. Russell. But as he was virtually the eldest son, owing to the indisposition of

short notes of it which have been preserved, it appears that he complained of the shutting up of the Exchequer, and the attack on the Smyrna fleet. He accused the ministers of receiving pensions from France, but declared that he wished not their ruin but our security. The Commons next resumed the affairs of the Duke of Lauderdale; and it having been attested by four members that he had declared that the King's edicts were equal with the laws, and ought to be obeyed in the first place, an address was carried to remove him from His Majesty's presence and counsels for ever. After a long debate, in which Lord Russell took a part, a similar address was voted against the Duke of Buckingham, who had proposed the second alliance with France, and had obtained a pension from France for the Countess of Shrewsbury. On this occasion the Duke made two speeches in the Commons, one of which he concluded with these words: "If I am a grievance, I am the cheapest grievance the Commons ever had." In the course of his examination, Buckingham accused Lord Arlington of having advised the attack on the

his brother, and as he is commonly known by the title of Lord Russell, I shall venture to call him so from the time of his first entrance into public life.

Smyrna fleet, and other odious measures. On this account articles of impeachment were drawn up against Arlington, and he was brought into the Commons and questioned, as Buckingham had been, if he knew of any design against the liberties of the people, who advised raising an army, declaring war without consulting parliament, attacking the Smyrna fleet, &c. But his cautious answers, or rather the personal influence of Lord Ossory, saved him from the vengeance of the House, and all farther proceedings were dropped.

The King now found it was hopeless to attempt the continuance of the war. He was fully aware that the French alliance was unpopular with the nation: he had formed it with the knowledge that he and the Duke were the only persons in the kingdom who were friendly to Lewis; and he had in vain attempted, by prosecuting for seditious language, and controlling the course of justice, to suppress public opinion. He had even issued a proclamation to shut up coffee-houses, which the judges declared to be legal, on the ground that the act for settling the excise, in which coffee was not included, gave a power of refusing licences to those who could not find security for the payment of the duties. A sufficient proof, if any were wanting, that judges dependent on the

Crown for their continuance in office were always ready to pervert the law. The ground upon which this decision rested, however, was felt to be so unsafe that the proclamation was soon recalled.* And it was soon perceived, that though a free utterance was denied, the opinions of a people so bold and generous as the English could not fail to reach the ears of government, however deaf, and to influence the decisions of the House of Commons, however subservient. The Parliament refused supplies: the French King likewise declined to advance a million of livres extraordinary, for which Charles had asked: Spain threatened to declare war; and an overture from Holland deprived the King of any further pretence for hostility. Under these circumstances he yielded to necessity, and graciously asked the advice of the House of Commons upon the expediency of making peace. They voted an address immediately afterwards, requesting that all troops raised since January 1st, 1663, might be disbanded. With this desire the King complied; and as soon as the peace was concluded, he prorogued the Parliament.

* Marvel, p. 69.

Thus, in the space of less than four years, the alliance with France was broken, and the troops by which Charles had hoped to make himself absolute, dispersed. The declaration for indulgence had been recalled, and a precedent against the dispensing power established, which in the next reign was to be a bulwark of liberty and religion.* But what was still more important, perhaps, the ministers of the Crown were struck with a salutary dread, and the King had no longer a council to whom he could confide his pernicious machinations.

Of the five members of the Cabal, Clifford was displaced by the Test Act; Arlington, finding himself in danger, became a decided enemy of Popery and the French†; Buckingham and Shaftesbury were excluded from the King's councils, and were converted into popular leaders. There remained only Lauderdale, whose pride and austerity, added to the distance of his government, made him proof against the resolutions of the Commons.

* See the trial of the bishops in the State Trials.

† In June this year (1674), Lewis the Fourteenth writes to James, that Lord Arlington and parliaments are unuseful; and James returns for answer, that Lord Arlington and parliaments are not only unuseful, but dangerous.— See Coleman's Letters.

In consequence of the removal of Clifford and Shaftesbury, the staff of Lord High Treasurer was entrusted to Sir Thomas Osborne, soon afterwards created Earl of Danby; and the seals were given to Sir Heneage Finch, afterwards Earl of Nottingham.

See the trial of the bishops in the State Trials.
 † In June this year (1674), Lewis the Fourteenth writes to James, that Lord Arlington and parliament are unnecessary; and James returns for answer, that Lord Arlington and parliament are not only useless, but dangerous. — See Coleman's Letters.

CHAP. IV.

PROROGATION FOR FOURTEEN MONTHS. — TEMPLE'S ADVICE TO THE KING. — A PARLIAMENT. — LORD RUSSELL MOVES AN IMPEACHMENT AGAINST LORD DANBY. — NON-RESISTING TEST BILL. — MOTION FOR A DISSOLUTION OF PARLIAMENT. — FAILS OF SUCCESS. — ANOTHER LONG PROROGATION. — MOTION ON THE DANGER OF FLANDERS. — LETTER OF LADY VAUGHAN TO LORD RUSSELL. — ADDRESS FROM THE COMMONS. — ANGRY ANSWER OF THE KING. — PROROGATION.

As soon as Charles had prorogued the Parliament, he entered into fresh intrigues with the court of Versailles; and humbly asked pardon for the peace he had lately concluded, excusing himself on the necessity of his affairs. Lewis, on the other hand, was urgent to obtain a prorogation of Parliament, lest Charles should be forced into a war against him. The King of February, England willingly came to terms, and 1674. for the sum of 500,000 crowns was glad to dispense with the presence of the Commons for fourteen months.* In order to comply

* Dal. App. 99.

in appearance with the public wish, a mediation between France and Holland was resolved upon; and Sir William Temple, whose honest character was universally esteemed, was named to give credit to the embassy. On his arrival at court, he had a private audience with Charles, in which he endeavoured to convince him, that it would be impossible to assimilate the government of England to that of France; and after various arguments, drawn from the situation of the two countries, he attempted to reconcile him to a limited authority by the saying of Gourville, a Frenchman much esteemed by the King, that a king of England who would be the man of his people would be the greatest monarch in Europe: but if he tried to be more he would be nothing. Charles, who had heard him with some impatience at first, seeing it was necessary to dissemble, pressed his hand and said, "And I will be the man of my people." * He soon afterwards connected himself more closely with France, and betrayed to her ambassador all the information he received from Temple. †

April, The chief business upon the meeting of
1675. Parliament, related to the large body of English troops which were still allowed to serve

* Temple's Works. † Dal. App. p. 109.

with the French. The Commons could obtain no more than a promise, that they should not be recruited. In the debate, Sir T. Lyttleton said, "The King ought not to be in such a mediation as may leave the King of France a terror to all the world."

Soon after the meeting, Lord Russell accused the Earl of Danby of mismanagement at the Treasury, and of having said at the Council Board, that a new proclamation was better than an old law. He concluded by moving an address to remove him from the King's presence, and that articles of impeachment should be drawn up against him. In the course of the debate, Sir C. Harbord expressed his surprise, that so young a man, and a country gentleman, should pretend to understand the treasury. The articles of impeachment were delivered the next day by Sir Samuel Barnadiston; but, upon a division, they were all rejected. Marvel says the Earl got off by high bribing. The articles contained charges of very different degrees of importance; the Earl being accused, in one, of the high crime of using the power of general warrants, to intimidate a witness in a suit at law; and in the next, of the trivial offence of having obtained an office in Ireland, the duties of which he had not time to perform.

A bill for voiding the election of members of parliament who accept offices, was at this time brought into the Commons, but was rejected. A bill for making it treason to levy money without consent of Parliament, and another to secure the personal liberty of the subject, were also introduced. But the grand affair of this session was the non-resisting Test Bill, which, although it was never in the House of Commons, yet being of paramount importance, deserves some notice in this work. It may serve as an excuse for the insertion that Lord Bedford was "so brave in it, that he joined in three of the protests."* It is also worth relating, as a specimen of the manner in which a bill, unfavourable to liberty, is resisted in its progress through an English House of Parliament. According to Mr. Locke, who published under the direction of Lord Shaftesbury the history of these debates, the Church and Cavalier party were determined, this session, to carry a law which should place their adversaries at their feet; "and as the topstone of the whole fabric," he says, "a pretence shall be taken from the jealousies they themselves have raised, and a real necessity, from the smallness of their party,

* Locke. See Cobbett's Parl. Hist. vol. iv. Appendix.

to increase and keep up a standing army; and then, in due time, the cavalier and churchman will be made greater fools, but as arrant slaves as the rest of the nation." The oath which was now brought into the House of Lords had been introduced as a restraint upon the dissenting ministers in the Five Mile Act, some years before, and the penalty was by 17 Car. II. increased to 40*l.*; yet very few submitted to take it.* It had been afterwards proposed as a general test for members of Parliament and placemen, but rejected in the House of Commons. It was in these terms:

"I, A. B., do declare that it is not lawful, upon any pretence whatsoever, to take up arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him in pursuance of such commission: and I do swear that I will not endeavour, at any time, the alteration of the government in church or state. So help me God."

The former part of this oath, down to the word "commission," is to be found in the Corporation Act.†

* See Memorial of God's last Twenty-nine Years' Wonders in England, in 1689, by Sheriff Bethel.

† 13 Car. 2. st. 2. c. 1.

The Lords in opposition allowed the bill to be read a second time, but when it was to be committed, they raised a debate which lasted five days; and in the course of this time they signed two protests.

When the bill came into a committee, every part of the proposed engagement was opposed. It was divided logically into a declaration, and an oath, or the declaratory and promissory parts. Of the declaration, it was said that it was an idle question at best to ask if arms can in any case be taken up against a lawful prince, because it necessarily raises a question in every man's mind; how there can then be a distinction left between absolute and bounded monarchies, if limited kings have only the fear of God and no fear of human resistance to restrain them? To the next clause, namely, "I do abhor that traitorous position of taking arms by his authority against his person," it was objected, that it could only be intended to revive old jealousies, and repeal the Act of Oblivion; for, excepting the case of the Long Parliament, those who had used the King's name against his person, had generally been his friends, as in the reign of Henry the Sixth. And the old Bishop of Winchester replying, "that to take arms in such cases was not against, but for the person of the King," he was told, that he had better have left

it upon the old oath of allegiance, than have made such a wide gap in his new declaration. Upon the words, "or against those that are commissioned by him," it was said, that if they were to become law, the King might authorise the soldiers to enter a man's house, and distrain for illegal taxes, whilst the subject would be deprived of his right of defence. Hereupon were inserted, the words "commissioned by him according to law, in the time of rebellion or war." Next came the promise, which was, "not to endeavour any alteration in the government of either church or state." It was objected, that an oath to maintain the government of the church did away the King's supremacy. To which the Bishops answered, that priesthood, and the powers thereof, and the authorities belonging thereunto, were derived immediately from Christ: but the licence of exercising that authority and power, from the civil magistrate. And being asked by the Lord Wharton, whether they did not claim a power of excommunicating their prince, they at first evaded the question, and then said they never had done it. Upon the part which forbade any endeavour to make any alterations in the government, arguments of such force were urged, that the supporters of the bill were obliged to save the rights of Parliament by a proviso. But upon a remark of the

Earl of Bolingbroke, that though the freedom of debate was preserved, members of parliament were by this oath prohibited from endeavouring to promote, by speech or writing out of parliament, any alteration or amendment of the laws, the ministers told the committee, in plain terms, that they intended and designed to prevent caballing and conspiracies against the government. The members of parliament who refused to take the oath were made liable to a penalty of 500l.

After seventeen days' debate, the bill passed the House of Lords. The most pressing objection to it, during all this discussion, was offered by Lord Halifax, who said, that as no man would ever sleep with open doors, though all the town should be sworn not to rob, so the state gained no security by oaths; and their only effect was, to disturb or exclude some honest conscientious men, who would never have prejudiced the government. To consider for a moment the terms of this bill, it seems to have been one of the wildest projects ever set on foot by an encroaching power. That a king should at any time violate the personal liberty of his subjects, and make himself odious by acts of violence, shows in him a want of true wisdom as well as of humanity. But that Charles should have submitted to the choice

of his people a law declaring themselves slaves ; that he should have exposed to the open discussion of his parliament, dogmas which will not bear examination ; and that he should have attempted to bind all his subjects by a general declaration, which would have been forgotten upon the first instance of individual oppression, is indeed astonishing. This weak attempt proves that he did not yet understand even that narrow system of government of which his favourite Davila is the historian, and Catharine de Medicis the most perfect model.

Both parties were afraid of trying their strength upon this bill in the House of Commons. The obstacles it had encountered ; the changes it had undergone ; and, above all, the spirit it had roused in the most tractable of the two Houses, appeared to augur ill for the party who favoured it. On the other hand, the strength of the Court and the prevalence of bribes excited great apprehensions in those who opposed it. At this critical moment, the Lords summoned Sir John Fagg, a member of the lower House, to appear before them, on an appeal brought by Dr. Shirley. Whether this case arose incidentally, or whether it was the intention of Lord Shaftesbury to make a quarrel between the Houses, it seems to have effectually answered the purpose of arresting the progress

of the Non-resisting Test Bill. On June the 9th, the King was obliged to prorogue the Parliament. Another session took place in the winter, but soon came to an end, in consequence of a renewal of the dispute between the two Houses. The sum of 300,000*l.* was granted, but appropriated very strictly to the building of ships; being one of the earliest instances in our history, of a regular appropriation of money voted by the Commons. The most remarkable motion of the session, was one made in the House of Lords, for an address to the King to dissolve Parliament. The Duke of York, and a majority of the temporal peers, were for it; but the question was decided in the negative, by the Bench of Bishops voting against * it. From this time the Country party, as well as many good patriots unconnected with them, seem to have wished for a dissolution. The House of Commons had now sate fourteen years, and during that time, had been modelled, in a manner before unknown, to the purposes of the Court. Not less than a third of the members were placemen or pensioners.† Lord Clifford had introduced ‡, or more probably extended,

* Burnet.

† Marvel. See also "A Seasonable Argument for a new Parliament."

‡ Temple.

the practice of buying downright one man after another. Many of the more indigent class trafficked their votes for a dinner at Whitehall, and a gratuity on extraordinary occasions. Others had the expenses of their elections defrayed from the Treasury. And it was common for those who had been chosen on popular grounds, after a few violent speeches, to sell themselves to the Court. Placed beyond the fear of the people, by the long continuance of the Parliament, they were encouraged in the hope of riches and promotion, by the increasing corruption of the government. Nor was it only from the venal that the danger to liberty proceeded. The House consisted in a great part of the old parties of Cavalier and Roundhead. The former, to use a quaint expression of the time, "being almost past their vice, were become damnable godly *;" and the latter dreaded nothing so much as religious persecution. The Court emissaries playing upon these passions, promised alternately to the one party a bill against fanatics, and to the other freedom for Dissenters; by which means they persuaded the former to be active in the cause of royalty, and the latter to be passive in the defence of free-

* Tracts. Letter signed T. E. (by Lord Shaftesbury.)

dom. But the nation had almost forgotten these distinctions, and had been roused from the torpor which succeeded the Restoration, by the unpatriotic conduct of the King and his brother. A course of life insulting to the moral as well as the political feelings of his people had not a little shaken their love for the reigning sovereign; but an attachment to foreign interests, and the profession of an odious religion, had excited the strongest aversion to the presumptive successor to the throne. In the hope of gathering some advantage from this disposition, the country party did not fail to urge a dissolution in the next session of Parliament: but their efforts, as we shall soon see, produced no favourable effect.

February, 1676. The King, on his side, endeavoured to dispense with parliaments altogether. He made a new treaty with the King of France, which contained the usual stipulations of neutrality on the one hand, and pension on the other. At this time he was so utterly abandoned by his subjects, that he did not dare to trust even his ministers with his engagements. He wrote the treaty with his own hand, and confided himself entirely to no one but Lauderdale.* The French minister wrote to his master,

* Dal. p. 103.

that in all England there were but the King and the Duke of York who embraced his interests with affection; and that the King himself, without this new treaty, might have been drawn into the sentiments of his people. The money received from France enabled the King to dispense with a parliament for fourteen months.

Feb. 15. When it met, doubts were started
1677. concerning the legality of its sitting, founded on the law of Edward the * Third. But in the House of Peers, Lords Shaftesbury, Salisbury, Wharton, and the Duke of Buckingham, who insisted on these objections, were sent to the Tower; where Lord Shaftesbury, who alone refused to make a submission, was

* It is ordained, by 36 Edw. 3. cap. 10., that a parliament shall be holden every year, therefore the prorogation for a term longer than a year was void in law. But a parliament must be either sitting, adjourned, prorogued, or dissolved, and this being none of the three former, must be the latter. It was objected, that the law was altered by an act of Charles I.; but this was repealed by an act of 16 Car. 2. c. 1., by the words of which, parliaments were not to be discontinued above three years, "from and after the determination of the present Parliament." Therefore the act of Charles I. being repealed, and that of Charles II. not yet in force, the old law of Edward remained in full vigour. The whole argument has more ingenuity than force in it. See "The Long Parliament dissolved:" "Considerations whether a Parliament be dissolved by a Prorogation of fifteen Months," &c.

confined for a whole year. In the House of Commons, a motion of Lord Russell, that to solve all doubts, and quiet apprehensions, an address for a dissolution should be carried to the throne, failed of success. In all probability the session might have passed away quietly, had not news arrived of the defeat of the Prince of Orange, and the taking of Cambray and St. Omer. The alarm excited by this intelligence produced an address for the preservation of Flanders. The King replied in general terms, that the preservation of Flanders was of great consequence, and that he would employ all the means in his power for the security of his kingdom. Upon this the Commons sent up a second address, in which they assured His Majesty they would support him in a war with France, should he be obliged to undertake it.

Charles had now an excellent opportunity of reconciling himself to his parliament, and increasing his own power. But his secret inclinations for France prevented his taking advantage of it, and he coldly answered, twelve days after he received the address, that he must have money to enable him to put the kingdom in a state of defence. A demand for supplies before he had given any sign of an intention of going to war, was surely premature; but the Commons, eager for war, gave him to under-

stand that they were preparing a bill for 200,000l. The King, however, said this sum was too little, and that he could not comply with their desires with less than 600,000l. The Commons did not choose to grant so large a sum in the absence of a great part of their members, and asked for an adjournment, which was immediately complied with. On the same day the King gave his consent to several acts, amongst which was one for abolishing the writ *de hæretico comburendo*. Lord Russell was absent during the last-mentioned debates. The following extract of a letter from Lady Vaughan, inclosing a copy of the King's message, shows with what zeal she laboured to satisfy his wish for political news.

“ April, 1677.

“ I have stayed till past eight, that I might have as much intelligence as I knew how to get. Spencer promised to be here this evening, but I find him not in my chamber, where I expected him at my coming home, for I have spent the afternoon with my sister, Alinton, and by all our travels could not improve my knowledge, as I extremely desired to doe, that I might entertain your deare selfe the better by this letter, and soe could have bin content to be to-morrow morning, as ignorant as I was

this, for all my endes and designes in this world are to be as useful and acceptable to my Mr. Russell as I can, to deserve better if I could the deare and real kindnesse, I faithfully believe his goodnesse suffers me to enjoy. My cousin Spencer is just come; the enclosed paper I copied from one Lord Alinton gave me last night; 'tis the King's message to the House yesterday: this day the debate held till 4 o'clock, and the result of it is, you have ordered a second addresse to thank His Majesty for taking into consideration your first, and to desire he would, if he please, pursue what in that they desired; and that they might not be wanting, they have added a clause (if the King accepts of it) to the money-bill, that gives him credit to use two hundred thousand of that money towards new alliances, promising, if he doe see cause to lay it out, to repair it to him againe: this, as Sir Hugh Cholmondeley says, is not pleasing at court: expectations were much higher: the Lords have not agreed with the Commons, they desire to have it put in the bill, they should receive an account as well as the Commons; that House was in a way of agreeing, and the Speaker pressed it, till after three hours debate, he told them suddenly he had mistook the thing, that he knew the House nice upon money matters, and the Lords had

only a negative in money concerns, and this seemed an affirmative; so put it to the question, but would not divide the House, tho' if they had, the ayes would have carried it. I believe to-morrow at 2 is a conference with the Lords."

When the Commons met again, after an adjournment of near five weeks, it was expected that the King had made some alliances to save Flanders; but instead of this he again asked them for money, and gave them his royal word, that they should not repent any trust they would put in him for the safety of his kingdom. Whilst he was using this language to his Commons, he was busy in negotiating for more money with the French ambassador; and the higher the passions of the Parliament for war, the greater the price that he asked from Lewis for his neutrality. His pledging his royal word in Parliament was evidently only an artifice to procure money, and has been justly styled by Mr. Hume, "one of the most dishonourable and scandalous acts that ever proceeded from a throne." *

May 23. The Commons, suspicious of the King's sincerity, and observing that

* Hume, vol. viii. p. 32.

he spoke always in general terms, at length requested him to make an alliance, offensive and defensive, with Holland, for the preservation of the Netherlands : but Charles gave a very angry answer ; declared their address to be an interference with his prerogative of making peace and war ; and put an end to the session.

Those who watched with jealousy the behaviour of the King, might easily perceive that he was still in his heart attached to France. He had entered into the wars against Holland without any assurance of support from his Parliament, and he had much more reason to expect it in a war undertaken entirely in compliance with the inclinations of his people. As for the charge against the Commons, of invading the prerogative, it was utterly groundless. They had not declared war, or put any force upon the King to oblige him to do it : they had only given their advice ; and to refuse them this power, were to deny to the great council that right which is the basis of our free government.

This doctrine has scarcely been called in question in later times ; and it seems to be allowed that the Commons may freely offer their advice upon the exercise of any part of the prerogative.

CHAP. V.

MARRIAGE OF THE PRINCE OF ORANGE.—MISSION OF LORD DURAS TO PARIS.—MEETING OF PARLIAMENT.—SPEECH OF MR. SACHEVEREL.—MOTION OF SIR GILBERT GERARD, SECONDED BY LORD RUSSELL.—HESITATION OF THE KING.—HE CONCLUDES A SECRET TREATY WITH FRANCE.—GENERAL PEACE.

THE minister, who had succeeded to the power of the Cabal, was Sir Thomas Osborne, afterwards Earl of Danby. He had got the Treasurer's staff upon the resignation of Clifford, and soon eclipsed Arlington in the royal favour. He was himself of the old Cavalier party, had been foremost in the prosecution of Lord Clarendon, and now made it the chief object of his administration to raise and strengthen the prerogative. The projects for enlarging the King's authority had hitherto failed of success. The Dutch war and the Non-resisting Test Bill had been arrested in their progress by the opposition raised in Parliament. Charles was too sagacious not to perceive, that the suspicions of his religion and of the French alliance had been the chief cause of his failure; and there-

fore readily gave into a scheme calculated to remove both obstacles at once. This was the marriage of the Prince of Orange to the eldest daughter of the Duke of York. So early as 1674, Lord Arlington had been sent to Holland to offer this match, with a proposal at the same time, that the Prince of Orange should assist Charles against his rebellious subjects.* But the Prince of Orange at that time waved the subject; saying with respect to the demand for aid, that he could not think the King of England could be so ill-beloved or so imprudent as to need such assistance. The first motion

April, 1677. was now made by the Prince himself to Sir William Temple, who thereupon entrusted his wife with a verbal message to Lord Danby. The marriage was not proposed to the King till two months after, and the Prince did not come to England till the end of September.† Even at this time the King continued his secret transactions with France. In August he had concluded a treaty, by which two millions of livres were to be paid him; and, at the very moment of the Prince's arrival, he wrote orders to Montague,

* Temple's Works, vol. ii. p. 294.

† Danby's Letters.

his ambassador, to get this sum increased to 200,000l. *

The favourite argument of Montague on these occasions was, that France had gained six millions additional revenue by her conquests in Flanders, in which it was but just that Charles should share, as accessory by connivance. †

When the Prince of Orange arrived in England, he refused, with admirable spirit, to enter into any negotiations concerning the terms of peace till the marriage was concluded. This refusal, and the opposition offered by the Duke of York, had nearly prevented the match, but the King suddenly submitted; and these nuptials, so auspicious to the future liberties of England, were immediately celebrated.

The terms of the peace were then agreed upon between the King, the Prince of Orange, Lord Danby, and Sir William Temple. The King was to communicate them to France, and the Prince of Orange to Spain. Upon the question being asked, who was to carry them to France, Lord Danby said it must either be Sir William Temple or himself; and as he could not be spared, Temple was named. He was to

* Montague's Letter to the King, October 12., in Danby's Letters.

† Danby's Letters.

give the court of Versailles only two days for an answer; and in case of a refusal, the King was immediately to join the confederates. But the day before Sir William Temple was to go away, the King sent for him, and, with some confusion, told him that he had changed his mind, and would send some other person with the propositions. Temple, instead of being angry, expressed great joy at this news. The King then pretended to consult him about the person to be sent, and said, "What think you of Lord Ddras?" (Lord Feversham.) Temple agreed that he would do very well. Notwithstanding this appearance of asking advice, however, the appointment had been settled that morning with the Duke of York, and the instructions were of a nature that would hardly have pleased Sir William Temple. Lord Duras was ordered to offer the terms which had been concerted with the Prince of Orange, and to assure Lewis, that without them the Prince did not conceive Flanders could be left in any possibility of defence: — that Lewis, having always professed that he did not mean to conquer Flanders, and Charles having told his Parliament and people that he would not see it lost, he feared that if any farther conquests were made, he could no longer resist the humour of his people, which was violently bent on its

preservation : — that he was obliged to call a Parliament in April, on account of a great branch of his revenue, which determined at Midsummer ; and he saw no hope of getting it renewed, if they should find Flanders in a worse state than they left it : — that the Parliament, as His Most Christian Majesty well knew, had already forced him to a peace with Holland, and might now drive him into a war with France, if the terms he offered were not accepted : for the Prince of Orange was resolved to take no less, and the other allies desired more.*

The instructions themselves were to be shown to Lewis, or his minister, if Lord Duras should think proper ; and finally, no time was fixed for his return, and he was only desired to obtain the judgment of the King of France upon the terms. The French monarch was not a person to be won upon, by appealing to his generosity. The sum of his answer was, that the terms were by no means reasonable, and that Charles might as well cut off his legs and then bid him † walk. The Prince of Orange and Sir William Temple were the dupes of this negociation. Charles, instead of joining the confederates, as he had

* Instructions to Lord Duras in MSS. at Longleat. See Appendix.

† Lord Danby's Letter to the Prince of Orange.

promised to do, only revoked a proclamation, by which, in pursuance of his secret engagements with Lewis, he had adjourned Parliament till April. At the same time, he sent Mr. Montague, who had lately come over to England, to renew the propositions for peace, and represent, still more strongly, the necessity he should be under of declaring war against France, if peace was not instantly concluded: he begged His Most Christian Majesty to call to mind how much inconvenience he had suffered by parting with so many sessions of Parliament in discontent, and that a longer resistance to the wishes of his people would be attended with danger to his very being and crown: he, therefore, hoped his good brother would not consider the parting with a town or two for the sake of him who had so far forfeited his interest in his three kingdoms, to keep his friendship with him, an unreasonable demand: he concluded with declaring, that if Flanders should be lost, such disorders would probably ensue, both in the minds of his subjects in general, and in Parliament in particular, as would tend more to his injury than all the conquests His Most Christian Majesty had made could be of advantage to him. *

* Secretary Coventry's Instructions in MSS. at Longleat. See Appendix.

These instructions clearly show that Charles was determined to hazard every thing but the loss of his crown for the maintenance of the French alliance.

Such a voluntary humiliation on the part of a King of England, as the above language implies, is extremely difficult to conceive. But whether his father's fate had inspired him with a distrust of Parliaments, or a long exile had extinguished every spark of attachment to his country, it is but too evident that he chose to depend on France as a natural support, and to treat his people as a foreign enemy.

But even this degree of meanness did not now avail him. Lewis stopped his pension, and prepared for continuing the war with Holland. In this extremity Charles revoked his proclamation, and was obliged to meet his Parliament.

At the beginning of the year 1678, the elder brother of Lord Russell died.

When Parliament met on the 28th 1678. January, the King in his speech informed them of the Dutch alliance and the marriage of the Prince of Orange, and told them that he expected a plentiful supply. But the popular party, with some reason, suspected his sincerity. They feared that Charles and

Lewis were still in concert, and that when the supply was given the war would be allowed to languish, and the money used to subdue the people of England. They even apprehended that when the army should be in sufficient number to keep the country in awe, the leaders of opposition would be arrested.* These suspicions were strengthened by the authority of Algernon Sydney, who being lately returned from France, was readily believed when he declared his conviction that it was all a juggle, and the two courts in complete † confidence. On the question of a supply, therefore, much jealousy was expressed, and complaints were made that the treaty had not been laid before the House. Mr. Sacheverell, a member of opposition, still more clearly showed the opinions of his party by the following parallel: —
“ 12 Edw. IV. The ministers pursued this practice. A war, and an alliance was made with the Duke of Burgundy in all haste; and when that was done, the ministers found it a fine game to receive pensions from the French, and raise money at home, and always were in haste; and they must have money from the

* Dal. App. p. 136.

† Burnet, vol. i. fol. p. 539. ; vol. ii. 8vo. p. 180.

Parliament for this war, to save Burgundy from the French : but all Burgundy was lost by * it. What end can our ministers now have in not showing us these articles, but their being conscious to themselves (who made the French alliance) that they are faulty?"

The supply was agreed to ; but the jealousy of opposition produced an address desiring that His Majesty would admit of no peace which should leave the French King a larger territory than he possessed by the treaty of the Pyrenees. This, together with various other terms laid down in the address, provoked Charles to rebuke the Commons, and with some reason, for affixing new conditions to old promises. However, he accepted of the supply, notwithstanding the provisions with which it was clogged.

The country running headlong into the scheme of a French war, the next aim of the country party was, that the war should be a *bonâ fide* war, and that the direction of it should be taken out of the hands of those of the ministers who had been pensioned by France. It was only by such means that the nation could

* He alluded, probably, to the 13th Edw. IV. 1473, when that king invaded France in defence of Burgundy, but immediately consented to a peace. Burgundy was not lost, however, till some years afterwards.

be secured from a sham war which would soon be concluded, and leave the army at the King's disposal.

Pursuant to these views Sir Gilbert March 14. Gerrard moved, on the 14th March, to address His Majesty to declare war against the French King. Lord Russell followed in these words: "The gentleman that spoke last has made a good motion. I hope in time we shall justify ourselves from the aspersion that we did not give the money sooner. I would set the saddle on the right horse, and I move that we may go into a committee of the whole House, to consider of the sad and deplorable condition we are in, and the apprehensions we are under of popery and a standing army; and that we may consider of some way to save ourselves from ruin." The motion for a committee of the whole House was carried; but a proposal to petition for the removal of those who had advised the answer to the address of the preceding May, was negatived, on a division, by a majority of five. The original address was then carried.

Sir John Reresby informs us that several speeches were made in the House on this day, fraught with jealousies and fears: nor was this wonderful. Lord Danby was at this time endeavouring to obtain money from France for

his royal master ; and he himself informs us in his letters, that every thing sent to the French ministers was known in England in ten days.*

The Commons, in their address, took notice of the money bill which had passed, and prayed the King to declare war, and recall his ambassadors from Nimeguen and from France : “ That
“ Your Majesty being publicly disengaged from
“ acting as a mediator,” they continue, “ or
“ upon such terms and conditions as were then
“ proposed, Your Majesty may enter into the
“ war to no other end, than that the said French
“ King may be reduced into such a condition,
“ as he may be no longer terrible to Your
“ Majesty’s subjects ; and that Christendom
“ may be restored to such a peace as may not
“ be in the power of the French King to dis-
“ turb.” † No one will deny that such a proposal was just and reasonable. In fact, it was no other than one which had been made to the King by Temple several months before, and on the rejection of which he had refused the embassy to Holland. ‡ Had it even now been adopted, there can be little doubt that the popularity of government would have risen to a height that might have swept away every

* Danby’s Letters.

† March 15.

‡ Temple’s Works, vol. i. folio, p. 457.

obstacle. The party in Holland, which reproached the Prince of Orange with the faithlessness of Charles, would have sunk before this proof of his sincerity, and the King of England would have appeared in his proper station, directing the energies, and disposing of the revenue, of a powerful nation, against her inveterate enemy. But such glory was not the sphere of Charles. Amidst all the changes and inconsistencies of man, it may be remarked, that there is seldom, if ever, a transition from duplicity to candour, and from base intrigue to honourable conduct. Charles had navigated too long in creeks and shallows, to venture with boldness and resolution upon the open sea. The address of the Commons was sent to the Lords for their concurrence, and was suffered to lie on their table. The King took no notice of it, and gave no proof of his sincerity in the cause of the allies. Mr. Hume, in one place, endeavours to justify his conduct, on the ground that his father had been led into a war, and then denied the supplies necessary to carry it * on. But if this is any defence for Charles, how much more reasonable were the suspicions of the Commons, who, only seven years before, had voted a supply to support the triple alliance,

* Vol. viii. p. 24.

at a time when a peace was made secretly with France.

In the course of this month Lord Russell received the following note from his wife, indorsed by him, "March y^e — 1677-8, while the House was sitting." I know not to what it refers.

" My sister being here tells me she overheard
" you tell her Lord last night, that you would
" take notice of the business (you know what
" I mean) in the House : this alarms me, and I
" do earnestly beg of you to tell me truly if you
" have or mean to do it. If you do, I am most
" assured you will repent it. I beg once more
" to know the truth. 'Tis more pain to be in
" doubt, and to your sister too, and if I have
" any interest, I use it to beg your silence in
" this case, at least to-day. R. RUSSELL."

An adjournment of the Commons now took place : the negociations with Holland and France were renewed ; and the Prince of Orange was obliged reluctantly to consent that Valenciennes, Tournay, and Condé, should remain in the hands of France ; terms which he thought destructive to the safety of Europe. In proposing these terms to France, Charles asked for six millions of livres for himself for three years, as the price of his good offices. Lewis, finding

that the confederates had consented to such low terms, which showed they had no reliance on the professions of the English court, resolved to make the most of his advantage. He ordered his ambassador at Nimeguen to publish a declaration, insisting on still more favourable conditions of peace, and insinuating an understanding with the King of England. Charles was really provoked at finding himself thus outwitted, at the expence both of his money and his character : but confidence is not the creature of a day. When he attempted to make a treaty with Holland, her ambassador, after a preliminary negociation, owned he had no powers to conclude. Parliament, when they met, acted with the same distrust. The treaties having been laid before them, they were voted to be not pursuant to the addresses of the House, nor consistent with the good and safety of the kingdom. A peevish vote, as Sir William Temple calls it, on the subject of religion was carried; and after some close divisions, addresses were voted to remove evil counsellors, generally, May and the Duke of Lauderdale by name. 1678. This was, in other words, an address for a change of ministry. The King replied, that the address was so extravagant he would give it no answer ; on which the Commons voted, by one voice, in a full House, that the King's

message, lately sent to them, for a supply to pay off the fleet, should not be observed.* Parliament was upon this prorogued for ten days. This quarrel with the Commons seems to have made Charles determine to close the breach with France, which he had taken care not to make irreparable.

May 27. He now concluded a formal treaty. He accepted six millions of livres for himself; but he refused to put his name to the conditions, that he should disband his army, and prorogue his Parliament. The royal conscience was completely relieved, however, when it was expressed, that he should receive the money upon disbanding the army and proroguing the Parliament. To such a quibble was all his virtue reduced!† He was, however, allowed to retain 3000 troops for Ostend, and after long discussion, 3000 more for Scotland. The Parliament was to be prorogued for four months.‡

* Reresby. † Dal. p. 165.

‡ He endeavoured to employ Sir W. Temple in this negotiation; but that upright man was so offended, that, after evading the employment by feigning sickness, he retired to his house at Sheen, and wrote to the Lord Treasurer, to offer his resignation of his embassy at Nimeguen, and an abandonment of the promise he had received to be Secretary of State. Barillon. Dal. App. p. 170. Temple's Works. Temple tells us, that he heard on good authority, that the King expressed such indignation at one article of the private

May 21. When the Parliament met, the King told them that events had driven things violently on towards a peace, but he was resolved to save Flanders, either by a war or by a peace; and therefore desired to keep up his army and navy. The Commons prayed him to declare immediate war, and upon his refusal, voted that the army should be disbanded; but the King, finding that he had money to pay the troops, retained them for some time longer. The rest of the summer passed in new preparations for hostilities, and new jealousies on the part of the Commons. Sir John Reresby tells us, that the rumour of war was revived in June, but that he often saw the King, the Duke, and Barillon together at the Duchess of Portsmouth's, laughing at those who believed it. *

It is melancholy to record the general results of this session. A needless burden of 600,000*l.*; a standing army not only useless, but dangerous;

treaty, proposed by Barillon, that he said he never would forget it as long as he lived. Swift, who edited Temple's Memoirs, tells us, the article proposed was, that Charles should never keep above eight thousand men of standing army in the three kingdoms, and that Charles said in a rage, "God's fish! does my brother of France think to serve me thus? Are all his promises to make me absolute master of my realms come to this? or does he think that a thing to be done, with eight thousand men?"

* Reresby, p. 207.

pensions received by the King from France, and a peace concluded abroad, leaving Flanders exposed to a hazard, from which, after so many successful wars, it has not yet been relieved. Such are the bad effects to the nation of being governed by a king in whom his parliament can place no confidence.

The various events of the negociation at Nimeguen; the artificial difficulties raised by the French; the embassy of Sir William Temple, and the mission of Du Cros are more fit subjects for general history than biography. Perhaps I have already detailed too minutely the progress of public affairs. But the conduct of the party to which Lord Russell belonged could not be explained, without presenting a view of the times; and it will be presently seen, that his own character has been attacked upon the ground of his behaviour during a part of this session.

CHAP. VI.

DISCOVERIES OF DALRYMPLE. — ROUVIGNY'S INTERVIEWS
WITH LORD RUSSELL.

I HAVE hitherto postponed an account of the interviews between Lord Russell and the French minister, because, from the manner in which this subject has been treated, the narrative will necessarily be mixed with controversy.

Many years have elapsed since Sir John Dalrymple communicated to the world the discoveries he had made in the *depôt des affaires étrangères* at Versailles. The intrigues between the courts of France and England, which had already been partly detected by means of Danby's letters, which were openly detailed in a work published at Paris in 1682*, and which,

* See a translation of this work, which is a history of the second Dutch war, in the State Tracts published after the Revolution. It is there entitled "The History of the War of Holland, written originally in Italian by the Count de Mayole, and printed at Paris in 1682, with the French King's Privilege, but soon after suppressed, almost all Copies destroyed, and the Author sent to the Bastille at the Complaint of my Lord Preston, the English Ambassador then residing at Paris. Never before published in English."

since that time, have been recorded by all historians, could create little surprise. But the very shadow of a connection between Lord Russell and France excited, as might be expected, astonishment, sorrow, and *indignation. To heighten the effect of the discovery, Sir John declared that he "felt very near the same shock as if he had seen a son turn his back in the day of battle." He pronounced these intrigues to be of a tendency nearly as dangerous as those of the princes. And he drew from them this sweeping inference, that "no party in this country has a right to assume over another from the merit of their ancestors; it being too plain, from the following papers, that Whigs and Tories, in their turns, have been the enemies of their country."

However gratifying such reflections must always be to selfish politicians, and to those who doubt all public virtue, I hope to prove that this instance, at least, will afford no foundation for their malignity. In doing this, I shall not throw any doubt upon the accuracy of the historian or the honesty of the ambassador. I am willing to allow, for the present, that the stream of history has flowed with undiminished purity

* See Hume's note upon this subject, vol. viii.

through these suspected channels. I shall not deny, therefore, that an intercourse took place between Lord Russell and Rouvigny; although it is very probable that Barillon, in repeating from Rouvigny the substance of these interviews, represented them as much more favourable to his master than they really were. But I trust that an account of the whole matter will show that nothing took place derogatory to the public virtue or private honour of Lord Russell.

The first thing to consider, is the time at which the intercourse took place; for any political intercourse whatever with an agent of France would, in ordinary times, be, to say the least, extremely improper. But this was a period of extreme danger to the English constitution. The King, who was known to entertain sentiments hostile to the liberty of his people, was about to raise an army, under the pretence of a French war, but in reality, as it was supposed, to subjugate his own country. That these fears were not idle fancies, appears from the best authorities. Sir John Reresby, a professed courtier, says, a jealousy was entertained "that the King indeed intended to raise an army, but never designed to join with the war; and, to say the truth, some of the King's own party were not very sure of the contrary." Lord Danby, the prime minister, writes to the Prince of

Orange, on Feb. 9. in these words : " The Parliament has now voted 26,000 foot and 4000 horse and dragoons ; and I am confident will not stop there, in case His Majesty will go freely into the war, which yet they all doubt, and NOT WITHOUT CAUSE." Two months afterwards Barillon writes, " The Duke of York believes himself lost as to his religion, if the present opportunity does not serve to bring England into subjection : 'tis a very bold enterprise, and the success very doubtful. I believe they have persuaded this Prince that a war is more proper to accomplish his design than peace." * The views of Lord Danby, he says, tended solely to procure money and increase his master's authority. And though the King still wavered, and his humour was very repugnant to the design of changing the form of government, he was nevertheless drawn along by the Duke and Treasurer. †

These quotations prove that those who were most in the confidence of Charles were ignorant of his real intentions, and that the Duke of York looked upon the war as an opportunity

* Dal. App. p. 143.

† Dal. App. *ibid.* I only quote this dispatch, to show the general views of the court. The date is of the 18th of April.

for establishing his favourite religion and arbitrary government. The Opposition, on the other hand, warned, as we have seen, by Algernon Sydney, and in possession of early information with respect to what was passing at Paris, entertained a suspicion that Lewis was acting in concert with Charles, for the destruction of that liberty which was dearer to them than their lives. Above all, they dreaded that the House of Commons, which, in the course of seventeen years, had been corrupted by bribery, would go into the schemes of the court, and blindly hasten the subversion of the constitution. In this dilemma they saw no chance of safety but in a dissolution.

Lewis, on the other hand, equally distrustful of Charles, resolved to obstruct his movements, by a connection with the popular party in England. D'Avaux, the French minister at the Hague, represented to the opposition leaders, by means of Algernon Sydney, that the union of the King of England with the Prince of Orange would prove destructive to the liberty of both countries: and M. de Rouvigny was sent over with money, which, according to the information of Montague, the ambassador at Paris, "by means of William Russell, and other discontented people, he was to distribute in Parliament."

Did we know no more than this, it might be suspected that Lord Russell had lent himself to the worst species of corruption. Happily, however, the dispatches of Barillon dispel all doubts upon this subject. M. de Rouvigny, being first cousin to Lady Russell, a circumstance we ought always to bear in mind, easily obtained March, an interview with Lord Russell. He 1678. appears to have seen Lord Hollis at the same time. The substance of their conversation is thus reported by Barillon. “ M. de Rouvigny a vû Milord Roussel et Milord Hollis, qui ont été tous deux fort satisfaits de l’assurance qu’il leur a donnée, que le roi est bien convaincu qu’il n’est point de son intérêt de rendre le Roi d’Angleterre maître absolu dans son royaume, et que sa Majesté vouloit travailler à la dissolution de ce parlement dès que le tems y paroîtroit favorable : Milord Roussel lui a dit, qu’il engageroit Milord Shaf’bery dans cette affaire, et que ce seroit le seul homme à qui il en parleroit clairement ; et qu’ils travailleroient sous main, à empêcher qu’on augmentât la somme qui a été offerte pour faire la guerre, et qu’ils feroient ajouter à l’offre d’un million de livres sterlings, des conditions si désagréables pour le Roi d’Angleterre, qu’ils espéroient qu’il aimeroit mieux se réunir avec la France, que d’y consentir. Il témoigna à M. de Rouvigny, qu’il soupçonnoit que

sa Majesté trouvoit bon que le Roi d'Angleterre lui declarât la guerre pour avoir de l'argent, avec promesse que dés qu'il en seroit le maitre, ill conclurroit la paix. M. de Rouvigny lui dit, que pour lui faire voir le contraire bien clairement, jétois prêt à répandre une somme considerable dans le parlement, pour l'obliger à refuser absolument de l'argent, pour la guerre, et le sollicita de lui nommer des gens qu'on pût gagner. Milord Roussel répondit, qu'il seroit bien fâché d'avoir commerce avec des gens capables d'être gagnes par de l'argent ; mais il lui parût forte aisé d'être assuré par cette proposition, qu'il n'y a entre votre Majesté et le Roi d'Angleterre nulle intelligence qui puisse préjudicier à leur gouvernement : il dit à M. de Rouvigny, que lui et tous ses amis ne souhaitoient autre chose que la cassation du parlement ; qu'ils savoient qu'elle ne pouvoit venir que du côté de la France ; que puisqu'il les assûroit que c'étoit le dessein de sa Majesté d'y travailler, ils se voyoient obligés de se bien fier en lui, et faire tout leur possible pour obliger le Roi d'Angleterre à rechercher encore une fois son amitiè, et mettre par ce moyen sa Majesté en état de contribuer à leur satisfaction." *

* Barillon, March 14.

" M. de Rouvigny has seen Lord Russell and Lord Hollis, who more fully satisfied with the assurance he gave them,

March 24. After the subsidy had been granted,
1678. M. de Rouvigny saw Lord Russell and
Lord Hollis again. They told him that they

that the King (i. e. of France) is convinced it is not his interest to make the King of England absolute master in his kingdom; and that His Majesty (i. e. of France) would contribute his endeavours to bring about the dissolution of this Parliament as soon as the time should appear favourable. Lord Russell told him he would engage Lord Shaftesbury in this affair, and that he should be the only man to whom he would speak of it explicitly; and that they would work under-hand to hinder an augmentation of the sum which has been offered for carrying on the war; and would cause to be added to the offer of the million sterling, such disagreeable conditions to the King of England as they hoped would rather make him wish to reunite himself with France than to consent to them. He gave M. de Rouvigny to understand, that he suspected Your Majesty approved of the King of England's declaring war against you, only to give him an opportunity of obtaining money, and under a promise that, as soon as he had got the money, he would conclude a peace; M. de Rouvigny told him, that to show him clearly the contrary, I was ready to distribute a considerable sum in the parliament to prevail with it to refuse any money for the war, and solicited him to name the persons who might be gained. Lord Russell replied, that he should be very sorry to have any commerce with persons capable of being gained by money; but he appeared pleased to see by this proposal that there is no private understanding between Your Majesty and the King of England to hurt their constitution: he told M. de Rouvigny, that he and all his friends wanted nothing further than the dissolution of parliament; that they knew it could only come from the help of France; that since he assured them it was the design of Your Majesty to assist in it, they would trust

never pretended to oppose the supply openly but they had hoped that the clauses they had affixed, being contrary to the privileges and authority of the crown, would not have been consented to, either by the King or his * ministers ; that the passing of the act without any difficulty had redoubled their fears of the designs of the court ; that they were still persuaded the Kings of France and England acted in concert, and were afraid that the war would serve only to bring them into subjection. In short, the popular party were at this time in the greatest alarm. They had found, as we have seen in the last chapter, that the nation, eager for a war with France, was too much blinded by national animosity to allow of any hope that the projects of the Court might be successfully opposed. The object they then pursued was, in the words of Barillon, “ to

him, and would do all in their power to oblige the King of England to ask your friendship once more, and by this means put Your Majesty in a state to contribute to their satisfaction.”

Dalrymple's translation.

* By these clauses the money was strictly appropriated to the war to be carried on with France, and all French commodities were prohibited for three years. Echard, vol. iii. p. 442. If Barillon repeats correctly the expressions of Lord Russell, they show what a great improvement was made about this time in the constitutional method of granting money. Indeed without appropriation acts the present form of government could not subsist.

force the court to declare war, and thereby shelter themselves from the danger, lest the army which is now raising should be employed to change the form of government in England."

With this view, and with that of clearing up the suspicion which they still entertained, that the two kings acted in concert, Lord Russell and Lord Hollis represented to Rouvigny, and the Duke of Buckingham at the same time endeavoured to persuade Barillon, that their master might acquire merit with the whole nation, if he would demand peremptorily of Charles whether there was to be peace or war; that this step would not oblige the King of England to declare war, if he were not resolved upon it already; and their party would, by this means, know that Lewis not only had no connection with the King of England to oppress them, but that he would not suffer him, under pretence of an imaginary war, to bring them into subjection.* "I did not controvert this reasoning," says Barillon, "and have been, in some degree, obliged to enter into the sentiments of the Duke of Buckingham, and

* Dal. App. p. 138. This dispatch of Barillon's is headed by Dalrymple, "Dangerous Projects of the Heads of the popular Party acting in concert with France." The danger, if any, was to the cause of arbitrary monarchy, which would have been injured by a war between Charles and Lewis.

to pretend to him that I did not think it impossible Your Majesty might order me to speak as he wished." He afterwards says, that Buckingham was the only person of the opposition who would enter into a formal engagement.

Allowing the whole of this statement to be correct, few persons, I imagine, will feel a shock nearly equal to that they would feel if they saw a son turn his back in the day of battle. Such a feeling could not arise even from an extreme sensibility of nerves, if not accompanied with an equal obtuseness of understanding. In the case of Sir John Dalrymple, the expression must, I fear, be attributed to that affectation of generous and patriotic sentiment, of which his writings afford so many examples. The concert between the popular party and France was a concert only in name. The opposition continued, as before, pursuing their own purpose, which so far from being French, was the preservation of the English religion and laws. They promised, it is true, to prevent, if possible, the war with France, but it was their bounden duty to do so. They had every reason to suppose that war was intended as a death-blow to liberty. The only offer which Rouvigny made to assist them in their endeavours with money, was indignantly refused. I need not point out to my readers, that this refusal shows Lord Russell to have been

quite free from the general corruption of the age. But it is material to observe, that it proves him to have been unsuspicious of the rest of his party. It is clear, therefore, that the aim and end of Lord Russell was to preserve the constitution, and that he was not swayed by interest in pursuing that end. How then can he be called an enemy to his country?

But if Lord Russell did not alter his line of conduct to please the King of France, it may be asked what were the objects of the interview. I answer, the first object was to procure from his near relation an insight into the connection between Charles and Lewis. This connection was a cause of continual apprehension in the party, for they well knew that it might in the end be fatal to them, their constitution, and their country. The second object, however, was not so laudable; it was to procure from Lewis a promise to assist in obtaining a dissolution, in case the peace should be maintained. Yet there was nothing criminal in such an endeavour. The imminent danger which threatened us from the conduct of France, abetting the designs of Charles, cannot, at this day, be properly estimated. At the very time when the Parliament was giving money for a war, Lord Danby was writing, by his master's order, to beg for money as the price of peace. We shall presently see, that five days after the

House of Commons had passed the act for a supply, Lord Danby wrote to Paris, that Charles expected six millions yearly from France. Had Lewis been sincere in the project of making Charles absolute, there can be no doubt that it might have been easily accomplished. Was not this sufficient to justify the popular party in attempting to turn the battery the other way? The question was not, whether to admit foreign interference, but whether to direct foreign interference, already admitted, to a good object. The conduct of Lord Russell, therefore, was not criminal; but it would be difficult to acquit him of the charge of imprudence. The object of Lewis must have been, by giving hopes to each party in turn, to obtain the command of both. Charles, on the other hand, was ready to debase himself to the lowest point to maintain his alliance with France; any suspicion, therefore, of a connection between Lewis and the popular party would have rendered him more and more dependent, till the liberties of England might at last have been set up to auction at Versailles.

What I have said relates only to the first interview: as for the second, upon which so much stress has been laid by Dalrymple, it was only an awkward attempt to persuade Lewis to declare war conformably to the wish of the English

people, and in direct opposition to his own interest and inclination.

An undue weight has been attached to the interviews between the leaders of the popular party and M. de Rouvigny. Even Mr. Laing, whose research generally leads him to the truth, supposes that the dangerous schemes of the court were defeated by the connection between the popular party and France. They were defeated, or at least retarded, it is true, by the conduct of opposition; but that conduct was the result of their own suspicions and the advice of Sydney. Whoever will take the trouble to read over the dispatches of Barillon, will see that the party not only would enter into no engagements, but that they did not move a hair's breadth out of their path, in consequence of the mission of Rouvigny.

Mr. Hume concludes his remarks on this subject, with saying, that the conduct of Lord Russell was merely factious. With deference to him, it was either criminal or innocent, wise or imprudent, but by no means factious. The party with which he acted was not a faction, but a body attempting to save the constitution in its utmost need. But the Tory prejudices of Mr. Hume, combined with his philosophical tranquillity, have induced him to blame every appearance of zeal for liberty, and to condemn as

factions every attempt to retard, what he has called, the Euthanasia of our Constitution.

The charge of receiving money from France, in which Lord Russell is no way implicated, relates to a different year, and shall be discussed in its proper place.

CHAP. VII.

POPIST PLOT. — COLEMAN'S LETTERS. — MOTIONS AGAINST
THE DUKE OF YORK. — IMPEACHMENT OF LORD DANBY.
— PROROGATION AND DISSOLUTION OF PARLIAMENT. —
LETTER OF LORD RUSSELL.

THE Opposition at this time seem to have almost despaired of the cause of liberty. Many of them had thoughts of withdrawing altogether from public affairs. For, in spite of all their efforts, the King had been able both to maintain his friendship with France, and to delay disbanding the army which had been raised to oppose her. But at this time an event occurred which baffled all the powers of foresight, and seems for a time to have suspended the faculty of judgment. I

Sept. allude to the discovery of the Popish
1678. Plot; which, although its credit rested almost entirely upon the attestations of infamous and despicable men, to vague, improbable, and ridiculous stories, yet having some foundation in truth, and falling in with the prevailing fears of the nation, cost the lives of many considerable men, and had nearly disturbed the regular succession of the throne.

A detailed history of this plot does not enter into my plan. But although the charge is now withdrawn, it is right to mention such circumstances as serve to exculpate the country party from the guilt of inventing this story, for the purpose of taking away the lives of the innocent. This accusation is easily disproved: nay, so far is it from the truth, that the plot was brought to light by Lord Shaftesbury and his friends, that it might have been suppressed but for the following circumstance. The Duke of Buckingham, who was a great enemy of Lord Danby, had been long banished from Court, but had lately been privately admitted to kiss the King's hand at Chiffinch's. Upon being informed of the circumstance by the Duke of York, Danby expressed great indignation at the King's want of firmness to stand by his friends. From this time he expected to be supplanted by Buckingham in the royal favour, and he became proportionably anxious to obtain the good opinion of the country. The enquiry into the plot, he seems to have thought, would serve both to show his zeal for the Protestant religion, and to divert the attention of Parliament from his own impeachment. With this view, he advised the King to go to Newmarket, and leave to his council the unravelling of this mysterious business. And as soon as Parliament assembled, he, contrary to the wish and express

command of the King, laid the whole affair before them. Upon the first discovery, the High Church party were eagerly bent on pursuing the plot; but when they saw Lord Shaftesbury and his friends take it up with still more vehemence and activity, they became cool in the prosecution. Another circumstance may be mentioned, which tends to exculpate Shaftesbury from any share in inventing the story. It was a part of the pretended plot, though not generally noticed, that popish priests should assume the disguise of dissenting ministers, in order to preach liberty of conscience.* This could never answer the purpose of Lord Shaftesbury, who was at this time chiefly supported by Non-conformists. It is also remarkable, that the first time Oates was examined respecting the Duke of York, he affirmed him to be totally ignorant of the plot, and gave many reasons in support of that opinion. Besides, the whole story is so wild and so absurd, that it is impossible for any one to believe that it was the invention of so able a man as Shaftesbury.

Parliament met on the 21st Oct. In Oct. 1. the King's speech the plot was taken notice of in the following terms:—“I now intend to acquaint you (as I always shall do with

* See Oates's Narrative.

any thing that concerns me) that I have been informed of a design against my person by the Jesuits, of which I shall forbear any opinion, lest I may seem to say too much or too little; but I will leave the matter to the law, and in the mean time will take as much care as I can to prevent all manner of practices by that sort of men, and of others, too, who have been tampering in a high degree with foreigners, and contriving how to introduce Popery amongst us."

Lord Chancellor Finch, following the King, said, "His Majesty has told you, that he hath lately received information of designs against his own life by the Jesuits; and though he doth in no sort prejudice the persons accused, yet the strict enquiry into this matter hath been the means to discover so many other unwarrantable practices of theirs, that His Majesty hath reason to look to them."

The letters of Coleman, and the murder of Sir Edmondsbury Godfrey, seem to have fully confirmed the general belief of the Popish Plot. Every party shared in this delusion, and Oates was generally styled the Saviour of the Nation. The country party, in general, were probably deceived with the rest. They were, indeed, more open to be imposed upon by a feigned plot than others, as they were thoroughly convinced that a design was carrying on against the Pro-

testant religion.* In the paper which Lord Russell delivered to the Sheriffs on the scaffold, he speaks thus: "As for the share I had in the prosecution of the Popish Plot, I take God to witness that I proceeded in it in the sincerity of my heart, being then really convinced (as I am still) that there was a conspiracy against the King, the nation, and the Protestant religion; and I likewise profess, that I never knew any thing either directly or indirectly, of any practice with the witnessess; which I looked upon as so horrid a thing, that I could never have endured it."

The sincerity of Lord Russell is so generally acknowledged, that credit must be given to him for upright intentions at this singular period. The character of Lord Shaftesbury is not so pure as to free him equally from reproach. Perhaps he may have reasoned to himself in this manner:—"It is clear that designs exist somewhere to subvert our laws and religion. But the people who would never listen to us when we in-

* So also was Mr. Evelyn. "For my part," he says, "I look on Oates as a vain insolent man, puffed up with the favour of the Commons, for having discovered something really true, more especially as detecting the real intrigue of Coleman, proved out of his own letters, and of a general design which the jesuited party of the Papists ever had, and still have to ruin the Church of England," &c. Vol. i. p. 479.

formed them of the conspiracy carried on with France, are now thoroughly awakened to a sense of their danger, when it has been drest up in wonders and horrors by the knavery of Oates. It is much better to promote their credulity than, by letting this plot fall, to incur the risk of their sinking again into a fatal apathy." Shaftesbury, who was not very scrupulous, may have satisfied his conscience with such arguments. But whatever may have been his secret views, the party in general seems to have given into the belief of the plot with the rest of the nation, including a majority of the ministers, and nearly the whole of the church.

The enquiries to which the plot gave rise soon involved the Duke of York.

Coleman, formerly the Duke's secretary, afterwards in disgrace, and at that time secretary to the Duchess, was the agent of a correspondence during the years 1674, 1675, and part of 1676, between James and the King of France, through the means of Fathers Ferrier and Le Chaise. It related chiefly to advances of money from the French king to obtain the dissolution of the English Parliament, and promote the French and Catholic interest. But nothing seems to have been concluded, the effectual negotiations having been carried on, as we have seen, by other hands. In one of these letters, Coleman says,

“ We have here a mighty work upon our hands, no less than the conversion of three kingdoms; and by that perhaps the utter subduing of a pestilent heresy, which has domineered over great part of this northern world a long time. There never were such hopes of success since the days of Queen Mary, as now in our days, when God has given us a prince, who is become (I may say by miracle) zealous of being the author and instrument of so glorious a work; but the opposition we are sure to meet with is also like to be great, so that it imports us to get all the aid and assistance we can; for the harvest is great and the labourers but few. That which we rely most upon, next to God Almighty’s providence, and the fervour of my master the Duke, is the mighty mind of His Christian Majesty, &c.”

Upon Coleman’s examination by a committee of the Commons, he confessed the correspondence, but said there were not more than three men in England privy to it, of whom the Duk of York was one, and he believed Lord Arundel another. He also confessed he had been sent by the Duke of York to Brussels upon a proposal from the nuncio, of money from the Pope, on condition that the Catholics should receive proportionable favour. But the nuncio had afterwards disowned any authority from the Pope. Undoubtedly

this correspondence, though but a small part of the Duke of York's intrigues, would have been sufficient grounds for the impeachment of any other subject. It is to be attributed to the moderation and prudence of the country party that the first motion they made on this subject was only for the removal of the Duke from direct influence in the administration.

Lord Shaftesbury moved, in the House of Lords, on the 2d of November, that he might be removed from all councils and public affairs. Two days afterwards, the King desired him not to come to the foreign committee, and to decline meddling any more in public business. The Duke reluctantly obeyed. * But the popular party, not satisfied with this concession, resolved to move an address in the Commons, to remove him from the King's presence and councils. The person chosen to make this important motion was Lord Russell. It was not because he was endowed with extraordinary sagacity to detect the intrigues of the Duke, or with remarkable eloquence to rouse the passions of a popular assembly, that he was the fittest person to take the lead; but the great stake which he had in the country, and, above all, the personal integrity and temperate love of liberty which distinguished his character, pointed him out for this important duty.

* Life, p. 524.

In the prevailing temper of the House, the ministers did not venture to meet the motion by a direct negative. They allowed, in debate, the dangers to be apprehended from the Duke's influence; but they said he had himself proposed to withdraw from the King's councils. And that after what had passed in the Lords, such an address as the present might create a misunderstanding between the Houses. They argued also, that the measure would not answer the end proposed, as the King and Duke might correspond by letter. Sir John Ernly, Chancellor of the Exchequer, said, "if you put the Duke away, you put him at the head of 20,000 men, and then it will be much more in his power to do you hurt." The debate was adjourned to the 8th, and after a short conversation on that day, ministers found means to prevent its again coming forward. Several circumstances which occurred upon this occasion, serve to show the temper of the House. Sir T. Clarges declared it was the greatest debate that ever was in Parliament. Mr. Waller having desired time to consider, Mr. Harwood said, that he who moved to defer the question a minute longer was an enemy to his king and country. Sir Robert Sawyer, a great courtier, proposed an address to the King to represent that his brother, being a Papist, was the cause of all the con-

fidence of the Papists, and that he be pleased to declare in open Parliament, whether he was a Papist or not. A motion not very different from one which Lord Russell brought forward in the next Parliament. But Mr. Sacheverell, in closing the debate, plainly hinted at the bill of exclusion. "I have read," said he, "a little in
" the law, but I would have the gentlemen of
" the long robe tell me, whether any degree or
" quality whatsoever of any subject can pa-
" tronize any correspondence with the King's
" enemies? or whether the King and Parlia-
" ment may not dispose of the succession of
" the crown? and whether it be not premunire
" to say the contrary?" This speech, and the report of an attempt being on foot to exclude the Duke from the succession, were, no doubt,

the motives of the King's speech of
Nov. 9. the 9th, when, under the pretence of thanking the Houses for their care of his person, he came "to assure them that whatsoever bills they should present to be passed into laws, to make them safe in the reign of his successor, so they tended not to impeach the right of succession, nor the descent of the crown in the true line; and so as they restrained not his power nor the just rights of any Protestant successor; should find from him a ready concurrence." The

King thus protested against the Bill of Exclusion six months before it was brought in.

The Opposition, on the other hand, sought alliances in every direction. Lord Russell, Sir Henry Capel, &c. had meetings with the Duke of Monmouth, in order to concert the removal both of the Duke and the Treasurer.

They commissioned Monmouth to acquaint the King that they would supply him with any sum of money he might require, if he would lay aside the Lord Treasurer. According to James, overtures were also made to Lord Danby, by Colonel Birch, who endeavoured to prevail upon him to favour Monmouth's legitimacy. Both these stories may be true; but we have not the same authority for an account which appears in James's memoirs of a proposal made by the party to the Duke of York, to turn out Lord Danby. The credit of this tale rests upon the authority of the anonymous biographer of James, a witness of the most exceptionable kind*; and its authenticity is rendered more questionable by the care he has taken to confirm the facts in the preceding paragraph, by a subsequent quotation of James's own words, whilst this singular story is left without any such confirmation.

* See Edinburgh Review, vol. xxvi. p. 402. et seq.

The Duke of York soon came again before the Commons in a different manner. A bill had been brought into the House of Lords, to disable Papists from sitting in Parliament, and a proviso moved, to except the Duke. He spoke on it himself with great earnestness, and with tears in his eyes.

On the Bill being sent down to the Commons, it occasioned a long debate, or rather a series of speeches, deprecating the vengeance of the House; for those who were against the Duke, almost confined themselves to crying, "Question," and "Coleman's letters." Perhaps they were unwilling to entangle themselves in a personal discussion, when the question did not originate on their side of the House. Those who were in favour of the Duke, argued and prayed, and Sir W. Killigrew wept in his behalf. They magnified the obligations the Duke would be under to the Protestant interest if this proviso were carried, and the dangers he might cause if driven into exile in France. But wise men thought him equally incapable of feeling gratitude, as the friend, and of inspiring fear as the enemy of his country. The proviso was agreed to, by a majority of two. In this manner, a century and a half after the Reformation, Roman Catholics were excluded from both Houses of Parliament;

and a bill passed in a moment of great danger, and much greater alarm, has since become dearer to many than any part of our constitution.

On the 25th, the Commons resolved, upon a message from the throne requesting advice, that the forces raised since 1677 should be disbanded. On the 30th, the King
Nov. 30. came to the House, and gave the royal assent to the bill for disabling Papists to sit in Parliament, but refused it to the Militia Bill. This was a bill for calling out the militia, and keeping them embodied forty days. The King said it put the militia for so many days out of his power, which he would not consent to, even for half an hour. His conduct was both prudent and constitutional, especially as he afterwards offered to consent to any other bill for the security of the kingdom, by the militia, which should leave him the power of calling them out, continuing or not continuing them together during the time limited. *

After some preliminary votes aimed at the Lord Treasurer, the Commons resolved upon an impeachment against him. This was
Dec. 21. the consequence of a discovery which

* Mr. Fox remarks, that the King "made his stand upon the same point in which his father had done; a circumstance which, if events had taken a turn against him, would not have failed of being much noticed by historians."

requires some elucidation. Lord Danby came into office with sentiments of hostility to France, and an inclination to promote the real interest of the kingdom: but he soon found that his master would not be served in this bold and honest manner; and he preferred entering into the schemes popular at court, though still without soiling his own personal integrity, to a surrender of the power and emoluments of office. During the late negociations at Paris, he had, unknown to the Secretary of State, carried on a correspondence with Mr. Montague, the ambassador, with a view of obtaining money for his master. In his letters, though always expressing a reluctance, no doubt very sincere, to engage in ties so dishonourable, he nevertheless condescended to truckle and higgler for sums which were to be paid for the neutrality of England, as well as others for her mediation of a general peace. Mr. Montague, the King's chief agent in this shameful traffic, was a candidate for the place of Secretary of State, but finding it was destined for Sir William Temple, he conceived the most violent animosity against the Treasurer. In order to execute his purpose, he sought out an astrologer in Paris, in whom the King had great faith, and found means to corrupt him. He then proposed to the Duchess of Cleveland to send him over to England, to

predict to the King a total ruin if he followed the advice of their enemies, and a glorious reign if he dismissed them. By this contrivance he hoped to be not only Secretary of State but prime minister. But upon some quarrel with the Duchess of Cleveland, she betrayed the whole to the King; and brought Montague into disgrace. * However, he came over to England without leave, and by means of the Treasurer's good offices was admitted to kiss the King's hand. At the same time, he showed to Lord Russell, and other opposition members, the letters which implicated the Treasurer, and obtained from the French court a large sum for compassing his ruin. Lord Danby, hearing of his meetings with the Opposition, tried to find some means of getting possession of his papers, and for this purpose, it is supposed, made Sir Leoline Jenkins write from abroad that he had a correspondence with the Pope's nuncio. With this letter in his hand, he obtained an order from the Council, for seizing Montague's papers.

Upon a message from the King to the House of Commons, informing them of this order, a warm debate arose on the legality of seizing papers. Montague sat for some time silent, and

* See Duchess of Cleveland's Letter. Appendix to Harris's Life of Charles II.

then rising up, informed the House he had letters in his possession implicating a great minister. Lord Russell owned that the contents of some of these papers had been imparted to him, and that Montague had secured copies of them, though he could not then come at the originals. Upon this information, Mr. Harbord and others were sent to a place where Montague directed them, and brought back a box full of papers. Montague selected out of these two letters, which were read by the Speaker. They were addressed by Lord Danby to Mr. Montague, when at Paris. One of them, dated March 25th, contained the following passage: — “In case the conditions of peace shall be
“ accepted, the King expects to have six mil-
“ lions of livres yearly, for three years, from
“ the time that this agreement shall be signed
“ between His Majesty and the King of France,
“ because it will be two or three years before
“ he can hope to find his Parliament in humour
“ to give him supplies, after your having made
“ any peace with France.” At the bottom were these words: “This letter is writ by my
“ order. C. R.”

This discovery naturally excited both anger and alarm. It was remarked, that on the 20th March, an act had passed for a war with France, and an army raised in pursuance of it,

afterwards kept up. * Mr. Bennet moved an impeachment, which, on a division, was carried by 179 to 116; nor was it to any purpose that Lord Danby showed the next day, by letters of Montague, that the accomplice was the more guilty of the two. The Commons justly thought, that the minister who possessed the royal confidence, and gave the royal orders, was the more dangerous object. The articles of impeachment were six in number. Amongst other crimes, the Treasurer was accused of being popishly inclined, and of concealing the Popish Plot; though it was sufficiently evident that he was entirely innocent of both charges. But mankind are too apt to join in their undistinguishing censure, the most odious acts with the most odious persons; and as favouring Popery was then the greatest offence, it is not surprising, the accusers should impute it to the greatest offender.

In the same disposition of mind, the House voted to impeach the Treasurer for high treason, though none of the facts, if proved, amounted to that crime. Solicitor Winnington, indeed, laboured hard to show, that Parliament, making use of a proviso in the statute of Edward, ought to declare, that obtaining money for the purpose

* See the remarks on Lord Russell's conduct in the two preceding chapters.

of destroying parliaments, was treason; but as they had not yet done so, no declaration of that kind could justly affect Lord Danby. When the impeachment was brought up to the Lords, the Earl made a speech in his own defence: when, instead of vindicating his culpable negotiations, he thought it a sufficient justification to say, that he had the King's order under his own hand: a plea which, if allowed, would make ministerial responsibility a phantom. The Lords refused to commit him upon the charges of the Commons, and the dissolution of the Parliament soon after, interrupted the proceedings. On

Dec. 30. the 30th December, the King came to the House of Lords, and prorogued Parliament, with these singular expressions: "My Lords and Gentlemen, — It is with great unwillingness that I come this day to tell you, I intend to prorogue you. I think all of you are witnesses that I have been ill used. The particulars of it I intend to acquaint you with at a more convenient time."

These terms seem to allude to the prosecution of the Popish Plot, and the impeachment of Lord Danby. The Parliament was dissolved

Jan. 25. within a month afterwards. The chief
1679. cause of this measure probably was, that the House of Commons was becoming quite unmanageable; and the King had some

reason to fear, that if allowed to hold on their course, they might not only impeach the five Popish Lords, but defeat the succession of his brother. The Duke of York was incensed at their prosecution of the Popish Plot. “ Though
“ it (the Parliament) had concurred, with in-
“ expressible joy, (says James,) to re-establish
“ injured monarchy, it was broken for endea-
“ vouring with as much ardour to pull it down
“ again.” He who reads with attention the history of those times, will have little difficulty in deciding, whether he ought to blame the Parliament for fickleness and disloyalty to the King, or the royal brothers, for a conduct ill suited to retain the affection and confidence of the Parliament.

Lord Danby was also quite ready to advise the dissolution of a Parliament, by which he was threatened with impeachment. On the other hand, the Opposition were willing to let him escape, in order to obtain their favourite measure. Lord Hollis, Littleton, Boscawen, and Hampden, when applied to by the King, agreed to let him off with a mild censure, provided he would leave his office, and get the Duke sent out of the way. * A quiet retreat was in-

* Burnet, folio, p. 443. vol. ii. 8vo. p. 57.

deed the best he could now hope for. Monmouth, Sunderland, and the Duchess of Portsmouth, had formed an union with Shaftesbury, Halifax, and Essex, for his ruin. The former were to undermine his influence at court, whilst the latter prosecuted him in Parliament. At the same time, the King, and more particularly the Duke, incensed against him for his behaviour on the Popish Plot, were prepared to let him fall.

From the following letter, written from the Marquis of Winchester's house at Basing, it appears, that Lord Russell was engaged in some negociation at this time, but with whom it is not easy to say.

“ Basing, Feb. y^e 8th, 1679.

“ I am stole from a great many gentlemen in the drawing-roome, at Basing, for a moment, to tell my dearest I have thought of her being here the last time, and wished for her a thousand times ; but in vaine, alas ! for I am just going now to Stratton, and want the chariot, and my dearest deare in it. I hope to be with you on Saturday. Wee have had a very troublesome journey of it, and insignificant enough by the fairnesse and excesse of civilitie of somebody : but more of that when I see you. I long for

the time, and am, more than you can imagine,
your

“ RUSSELL.”

“ I am troubled at the weather, for our owne
sakes ; but much more for my sister's : pray
God it may have noe ill effect upon her, and
that wee may have a happy meeting on Saturday.
— I am Miss's humble servant.”

CHAP. VIII.

ELECTIONS. — MEETING OF PARLIAMENT. — CHOICE OF A SPEAKER. — IMPEACHMENT OF LORD DANBY. — HE SURRENDERS HIMSELF. — QUARREL BETWEEN THE HOUSES. — CHARACTER OF DANBY'S ADMINISTRATION. — NEW COUNCIL. — LORD RUSSELL A MEMBER OF IT. — ITS INEFFECTUACITY. — LIMITATIONS ON A POPISH SUCCESSOR PROPOSED BY THE KING. — EXCLUSION BILL. — PROROGATION. — HABEUS CORPUS ACT PASSED.

THE elections were carried on, as might be expected, with great heat, and generally speaking, much to the advantage of Opposition. It is said that the practice of splitting freeholds was now introduced, for the first time, by the country party.

Some letters of Lord Shaftesbury and the Marquis of Winchester were intercepted and opened by the court. They were found to contain recommendations to their friends not to choose fanatics, and the King declared he had not heard so much good of them a great while. *

In the new parliament, John Hampden was returned for Buckinghamshire, Henry Booth

* Lady Russell's Letters lately published.

for Cheshire, Mr. Sacheverell and Lord Cavendish for Derbyshire, Sir Samuel Barnadiston for Suffolk, and Lord Russell for Bedfordshire and Hampshire. He finally made his election for the former.* Perhaps there is hardly another instance in the history of elections, of one man being chosen for two counties.

March 4. Two days before the meeting of
1679. Parliament, the Duke of York left England and retired to Brussels. He had been advised to this step by many of his friends, backed by the entreaty of the Lords in the Tower.† But before he would consent to go, he obtained from the King the three following conditions: first, that he should solemnly declare he was never married to the Duke of Monmouth's mother; secondly, that he should never give his assent to any bill to vacate his (the Duke's) right to the crown; and, thirdly, that he should give him an order, under his hand, to remove.‡ The session of

March 6. Parliament began with an unfortunate difference concerning the choice of a speaker, little interesting to a reader of the present day. Mr. Seymour having been chosen for the zeal

* See the Requisition in the Appendix.

† Life, p. 536.

‡ Ralph. Orleans's Revolutions. Temple.

which he had shown against Popery, was rejected by the court for his enmity to Danby, and Sir Thomas Meres proposed in his stead. But the House generally resented what they thought an encroachment on their privileges, and sent Lord Russell and Sir Robert Carr to desire time to consider of the King's message. On a subsequent day they presented an address, asserting the undoubted right of the Commons to elect freely one of their members as speaker, and that the person so elected had always continued speaker, unless excused for some bodily infirmity. But the King gave them a sharp answer, and upon their insisting on their right, prorogued them. Upon their meeting again two days after, Lord Russell said he hoped the late unhappy difference would not be renewed, and proposed Serjeant Gregory as speaker. This

March 15. motion was seconded by Lord Cavendish, and was generally acquiesced in.

The more prudent part of the Opposition, led by the opinion of Serjeant Maynard, seem to have thought that the dangers at home and abroad were evident, and a remedy necessary, while the question of privilege was not clear, nor a decision essential. They felt they could not answer it to the country, if they broke with the King on a point comparatively trifling. The King's refusal to confirm the speaker, how-

ever, was not entered in the journal of either House, and cannot, therefore, be considered a precedent. Speaker Onslow said, the House of Commons gained nothing by the contest, but that a speaker might be proposed by a member, not being a privy counsellor.*

That which was really important in this affair, was the animosity it provoked against Lord Danby, who had been led into the part he had taken against Mr. Seymour by a quarrel of his wife.† The storm now raised against him could not be allayed.

March 20. The Commons began the business of the new Parliament by reminding the Lords of the impeachment of the treasurer, and desiring that he might be committed. The Lords, on the other hand, appointed a committee to draw up a bill for disabling him to hold any office. This they afterwards changed into a bill of banishment, but it was immediately rejected when it came down to the Lower House. The Commons next voted the plot real, and addressed the Crown that 500l. might be paid to Bedloe as the discoverer of the murderers of Sir E. Godfrey. But they immediately

* Hatsell's Precedents, vol. ii.

† Temple Mem. p. 492.

afterwards resumed the impeachment of Lord Danby. Upon the rumour of a pardon having been granted him, they appointed a committee to ascertain the fact from the Lord Chancellor. By their report it appeared that a pardon had passed the great seal with the utmost privacy, and had not been entered in any office. This excited the rage of the country party, and produced a message to the Lords to demand justice against Thomas Earl of Danby, and that he be immediately sequestered from Parliament, and committed to safe custody. An address was also sent to the throne, representing the irregularity, illegality, and dangerous consequence of the pardon. And as Lord Danby
March 26. had withdrawn, a bill was brought in to attain him. The Lords converted this bill also into a bill of banishment; but the more moderate of the country party in vain endeavoured to promote the milder expedient in the Commons. Winnington, who had lately lost his place of solicitor, spoke violently against it as an attempt to favour the escape of a bad minister, and an encouragement to future misrule. Littleton tried, in private, to moderate his warmth, by representing, that if Lord Danby's life was spared, the court might be inclined to come to terms. * But his arguments

* Burnet.

had no effect; and on the bill of attainder coming to a third reading, the Earl
April 15. surrendered himself. The Commons immediately voted his pardon illegal and void, and demanded justice against him. The Lords, to elude this request, sent down a message, that the Lords spiritual and temporal had appointed a day for hearing the cause of the Earl of Danby. This answer was a bone of contention to the Commons, who resolved that the Lords spiritual had no right to give their vote during any part of the proceedings, in cases of blood. On this ground they voted, that any Commoner who should appear to maintain before the House of Peers the validity of Danby's pardon, without their consent, should be accounted a betrayer of the liberties of the English Commons. Upon this question the prosecution rested; and we find the Earl of Danby moving for a writ of Habeas Corpus in 1682; when the Parliament being dissolved, there was no longer a prospect of his receiving judgment. But the court remanded him, and he remained in the Tower till 1685. Lord Danby tells us, in the preface to his letters, that Lord Russell afterwards owned himself mistaken in the part he took against him. The confession, if really made by Lord Russell, does credit to his candour; but, in fact, there is more to blame in

the manner, than in the substance of the impeachment.

So fell Lord Danby. His talents, as a speaker in the House of Commons, had raised him to the high office of Lord Treasurer. His conduct in that great post was as little creditable to his wisdom and skill as to his honesty and patriotism. He gave way to the King, as far as was necessary to preserve his place, but not sufficiently to acquire the royal favour. He concurred in measures which endangered both our religion and government, and yet lost the friendship of the Duke of York. He extended the system of corrupting members of Parliament, increasing the sum allowed for that service, from 12,000*l.* to 20,000*l.* *; and yet he was impeached by the same House of Commons he had endeavoured to buy; and he sent for the letters and acquittances, the day after he had declared in his defence before the Lords, that there had not been one farthing granted by the Commons which had not been strictly applied by him as the acts had directed. This assertion rested upon the miserable quibble, that the money which he had used to corrupt the Parliament was unappropriated.

* Report from Comm. of Surrey, May 24. 1679. It was paid by the commissioners of Excise.

The proceedings relating to Lord Danby have contributed to settle three points concerning parliamentary impeachments. First, that impeachments laid by the Commons in one session, or one Parliament, continue in force to the next; secondly, that a peer impeached by the Commons is ordered to withdraw; thirdly, that the King's pardon cannot be pleaded in bar of an impeachment. Every one of these questions, but especially the last, is of high importance to the constitution.

It was at this time that Sir William
April 21.

Temple, thinking that the ministry, and finally the succession, would fall into the power of Monmouth, proposed a new privy council. It was to consist of 30 members. Some of the most violent Whigs, Russell, Cavendish, Capel, and Powle, were admitted. According to the present theory of our constitution, there is no part of it more perfect than that which regards the appointment of the ministers of the crown. As the power of refusing supplies has brought all public business within the sphere of the House of Commons, it follows, as a necessary consequence, even though the House should offer no advice on the subject, that ministers must be capable of bearing their scrutiny, and acquiring their confidence. Hence the choice of men distinguished

as members of Parliament, before they are trusted as servants of the crown. The monarchy itself derives great advantage from this restraint to the personal will of the sovereign. Not only is the King less liable than other sovereigns to errors, which even the best intentioned are exposed to, by the arts of specious impostors and dishonest flatterers, but he has this security for the conduct of the most violent parliamentary leaders, that ambition can hardly lead them to wish the total destruction of that monarchy, of which they may hope at a future time to exercise the powers.

But such ideas were far from being understood before the Revolution. During the reign of Charles the First, indeed, an attempt seems to have been made to conciliate the great parliamentary leaders, by entrusting them with offices of the crown. The Earl of Bedford, as we have seen in the early part of this work, was amongst those who were thus favoured. But the King was soon disgusted with them, and Lord Clarendon thinks he has sufficiently justified this dislike, when he tells us, that they always advised the King to comply with the wishes of his Parliament.

Nor was the measure now proposed by Temple likely to be attended with the success which he expected from it. Had he begun by asking

the dismissal of all the obnoxious ministers, and the formation of a new council, by the union of the great Whig leaders, with Secretary Coventry and others, who had experience of office without the ambition of being chief ministers, a firm administration would have been formed, and the necessity of a revolution might have been prevented. But Temple had only in view to add to the strength of the old court. Fifteen of the thirty members of whom the new council was to be composed, were to be officers of the crown, on whom it was supposed the King might rely. It was thought that fewer concessions would be required, when the leaders of the Commons were members of the council, and that the King, with such assistance, might safely dissolve the parliament should it persist in unreasonable demands. It was considered as a most favourable circumstance, should affairs come to an extremity, that the property of the new council amounted to 300,000*l.* a year, whilst that of the members of the House of Commons seldom exceeded 400,000*l.*

It is obvious, that such a council was formed rather to be a rival to the Parliament than dependant on it, and the Whig leaders, to obtain at most half the confidence of the King, were to give up all the confidence of the people.

“ For the bare being preferred,” says Secretary Coventry, “ maketh some of them suspected, though not criminal.” * The public were not yet able to conceive that men could be at the same time counsellors of the King and friends of the people; and it was only by a complete change of councils, that they could have been convinced of its integrity. It is not surprising then, that the King’s speech, announcing the new council, was received coldly by the House of Commons, and that little more than a fortnight after, they should present an address, praying the removal of the Duke of Lauderdale from all offices and employments, and from His Majesty’s presence for ever.

The president of the new council, much against the opinion of Temple, was Lord Shaftesbury. But the cabinet council, which digested all affairs before they were brought forward, consisted of Essex, who was the new Lord Treasurer, in place of Danby, Sunderland, Secretary of State, Halifax, and Temple. Six days after the appointment of the new council, in a debate on the succession, Colonel Birch said, “ It must not be the addition of four or

* MSS. at Longleat. See also Sidney’s Letters to Saville, April 21. and May 12.

five persons to the council that will do it ; it must be thoroughly done : — I hope the King will not have one that was at the giving such advice as we have had !” Lord Russell spoke with zeal and firmness regarding both the Succession and Popery. He ended, by desiring, “ that a committee be appointed to draw up a bill to secure our religion and properties in case of a Popish successor.” *

The motion made by Lord Russell, is a sufficient evidence that he was not yet convinced of the necessity of excluding the Duke of York from the throne. Temperate by nature, and not actuated by any personal feelings against the Duke of York, he probably wished to reconcile the King’s interests to those of his people, in the manner most agreeable to the royal inclination ; and if he was mistaken, we must admit his loyalty whilst we pity his delusion. His vote in the council was to the same effect ; for various limit-

* On the same day, an address to the crown was carried, praying that the King would give orders for the execution of Pickering, and other condemned priests. This was a savage and inhuman request, as, with the exception of Pickering, the crime of these priests was no other than that of exercising their religious functions. The King desired time to consider of his answer. A message was some time afterwards brought down by Lord Russell, intimating, that the King would order the execution of Pickering, but that the rest were still before the House of Lords.

ations on a Popish successor having been proposed, some heads to be offered to the consideration of Parliament were at length resolved upon, and obtained the consent of all but Lord Shaftesbury and Sir William Temple. Shaftesbury declared openly, that no security was to be found but in the total exclusion of the Duke of York, who, by force of arms, might break through all the limitations proposed; whilst Temple feared they would leave him in shackles, which would not be easily broken through by any successor. Temple, indeed, was secretly of opinion, that no expedient proposed by the crown would be agreed to by the Commons. This was also the private opinion of the King, who, even at the moment of proposing the limitations, was resolved never to consent to them.* He came to the House of Peers on the 30th, and, April 30. after a short speech, left the matter to be fully explained by the chancellor. The chief articles he proposed were as follows. That care should be taken that all ecclesiastical benefices and promotions in the gift of the crown, should be conferred on the most learned Protestants: That no members of the privy council, no judges

* At least he wrote to this effect to the Prince of Orange, who does not, however, seem to have given full credit to the King's assurances. Dal. App. 302. 307.

of the common law, or in chancery, should, during the reign of a Popish successor, be put in or displaced but by authority of Parliament: That no lord lieutenant, or deputy lieutenant, nor any officer in the navy, should be put out or removed, but either by Parliament, or by such persons as the Parliament should entrust with authority for that purpose.

On the 11th May this great affair
May 11. came into discussion in the House of Commons. The debate was opened by Mr. Bennet, who moved to make an address to the King, that the Duke might not come to England again without the consent of the King and the two Houses of Parliament. Mr. Pilkington “ would humbly pray the King that the Duke
“ might come over, that they might impeach
“ him of high treason.” Secretary Coventry and Lord Cavendish supported the limitations. Mr. Hampden, and Mr. Boscawen spoke for the exclusion. After farther debate it was

May 15. resolved, “ That a bill be brought in to
“ disable the Duke of York to inherit the imperial
“ crown of this realm.” On the next day, in utter defiance of justice and reason, it was resolved, *nem. con.* “ That in defence of the King’s per-
“ son and the Protestant religion, this House
“ doth declare that they will stand by His Ma-
“ jesty with their lives and fortunes; and that if

“ His Majesty shall come by any violent death
“ (which God forbid!) that they will revenge it
“ to the utmost upon the Papists.”

The important bill which was now brought in enacted, First, That the said James, Duke of York, should be incapable of inheriting the crowns of England, Scotland, and Ireland, with their dependencies, and of enjoying any of the titles, rights, prerogatives, and revenues belonging to the said crowns. Secondly, That in case His Majesty should happen to die or resign his dominions, they should devolve to the person next in succession, in the same manner as if the Duke was dead. Thirdly, That all acts of sovereignty and royalty that Prince might then happen to perform, were not only declared void, but to be high treason, and punishable as such. Fourthly, That if any one, at any time whatsoever, should endeavour to bring the said Duke into any of the fore-mentioned dominions, or correspond with him in order to make him inherit, he should be guilty of high treason. Fifthly, That if the Duke himself ever returned into any of these dominions, considering the mischief that must ensue, he should be looked upon as guilty of the same offence; and all persons were authorized and required to seize upon and imprison him; and, in case of resistance made by him or his adherents, to subdue them by force of arms.

It was read a second time on the 21st, the division being, yeas 207, noes 128.

Lord Shaftesbury lost no opportunity of forwarding the Bill of Exclusion. He represented to the honest, that they never could be safe under a Popish successor; and he hinted to the interested, that the Duke of Monmouth was in such favour at Whitehall, that the King only desired a fair occasion of yielding to the wishes of the Parliament. His credit grew so high with the Parliament, that Sunderland, Essex, and Halifax desired to admit him and Monmouth to the private or cabinet council: upon which Temple left them. But the three lords, finding that Monmouth and Shaftesbury would be satisfied with nothing less than yielding all points to the House of Commons, broke off with them, and concerted with Temple a prorogation of Parliament. They reckoned to carry this measure in the council by the votes of the fifteen placemen, and such of the others who should join them against Shaftesbury and his party. But even this mockery of advice was afterwards said to be unsafe, upon the pretence that the King had discovered that new remonstrances were

May 27. preparing upon the subjects of the plot and Popery. He, therefore, went down to the Lords and suddenly prorogued the Parliament. "It passed," says Temple, "with

very great resentment of both Houses, and such rage on the part of Lord Shaftesbury, that he said aloud in the House, that he would have the heads of those who were the authors of the prorogation." Indeed the King could hardly have contrived a measure that should so completely belie his public declaration on forming his council. "By the constant advice of such a council, His Majesty is resolved hereafter to govern his kingdoms, together with the frequent use of his great council of Parliament, which he takes to be the true ancient constitution of this state and government."

At the time of the prorogation, the House of Commons were occupied in examining into the pensions of members of the former parliament. It appeared by the report of the committee of secrecy, that 20,000*l.* per annum were paid quarterly by the commissioners of excise, for secret service to members of Parliament. About thirty members who received pensions were named by Sir Stephen Fox ; but the house had only time to examine two or three before the dissolution. Several, it appeared, had received the money as a compensation for giving up a share in the farm of the excise.

On the same day that Parliament was prorogued, the King gave his assent to the Habeas Corpus Act. From the passing of Magna

Charta to that of the act of Habeas Corpus, a period of more than four centuries and a half, many attempts had been made, without success, to ensure the execution of that blessed clause, by which it is enacted, that no freeman should be imprisoned or punished, except by the judgment of his peers, or the law of the land. The provisions of the present act of Habeas Corpus, which are too well known to require enumeration here, are, I believe, the same as those of the bill introduced in 1675, and are so admirably adapted to secure the personal liberty of the subject, as to merit the praise of all historians. The censure of James the Second, conveyed in the following passage, is, however, superior in value to any panegyric. In his advice to his son, he says, "It was a great misfortune to the people, as well as to the crown, the passing of the Habeas Corpus Act; since it obliges the crown to keep a greater force on foot, than it needed otherwise to preserve the government, and encourages disaffected, turbulent, and unquiet spirits, to contrive and carry on, with more security to themselves, their wicked designs; it was contrived and carried on by the Earl of Shaftesbury to that intent." * The part here attributed to Lord Shaftesbury, in framing this

* Life of James, b. ii. p. 621.

law, instead of being disgraceful, does great credit to his sagacity, and entitles him to the gratitude of the people of England. The Whigs in the council, though few in number, may have likewise assisted in obtaining the King's consent to the act. Even the act now passed, however, excellent as it is, was not scrupulously observed till after the Revolution. The peculiar distinction of that great event is not, as some suppose, to have established the right of Parliament to depose the King, and alter the succession of the crown, a principle often before asserted in the course of our history, but to have brought into easy and undisturbed practice those ancient rights and liberties, which the Plantagenets had attempted in vain to subvert, which the Tudors had often been allowed to trample upon, and which the Stuarts sacrificed their throne to destroy.

CHAP. IX.

INSURRECTION IN SCOTLAND. — PARLIAMENT DISSOLVED.
 — EXECUTION OF LANGHORNE. — TRIAL OF SIR G.
 WAKEMAN. — KING'S ILLNESS. — RETURN OF THE DUKE
 OF YORK. — DISGRACE OF MONMOUTH AND SHAFTES-
 BURY. — PROROGATION OF PARLIAMENT. — MEAL-TUB
 PLOT. — RETIREMENT OF ESSEX AND HALIFAX. — THEIR
 CHARACTERS. — PETITIONS FOR THE MEETING OF PAR-
 LIAMENT. — ABHORRING ADDRESSES. — WHIGS AND
 TORIES. — CHARACTER OF THE PARTIES SO CALLED.

IN the spring of the year 1679, the
 May 29. insurrection which is known by the
 name of the rising of Bothwell Bridge, broke
 out in Scotland. In the first encounter with the
 insurgents, which happened at Loudon Hill
 Captain Graham, afterwards celebrated as Vis-
 count Dundee, was defeated. When
 June 2. this news was communicated to the
 council, Lord Russell stood up and began a
 speech, saying, "he was so far from wondering
 that this trouble happened now, that he rather
 wondered it did not happen long ago, since His
 Majesty thought fit to retain incendiaries near
 his person, and in his very council." Upon
 which the Duke of Lauderdale, seeing that he
 was aimed at, and recollecting the parliamentary

addresses against him, asked leave to withdraw. But the King replied, with a motion of his hand, "No, no, sit down, my Lord; this is no place for addresses." *

North, who relates this saying, does not hesitate to accuse Lord Shaftesbury and the Whigs of exciting the rebellion, which was the subject of debate. As the only authority he alleges in support of this position, is a rumour in an anonymous pamphlet, that forty copies of a speech of Lord Shaftesbury's had been sent to Scotland, it may seem unnecessary to refute so groundless a charge. But as it has been credited by the impartial Ralph, and as the affairs of Scotland may afford a specimen of the temper of the government in general, it is by no means superfluous to enquire into the real causes of the Scotch insurrection.

At the time of the Restoration, it became a question at court, whether prelacy should be re-established in Scotland. Lauderdale, whose sufferings, abilities, and knowledge of his countrymen, gave weight to his opinion, advised, that the presbyterian form of church-government should be continued, as more congenial to the religious opinions of the nation. But Clarendon and Middleton advised the restoration of prelacy,

* North, Ex. p. 79.

in conformity to their own prejudices and the policy of the King's father. Unhappily their counsel prevailed. Middleton, who was sent down as King's commissioner, obtained, from an obsequious parliament, not only the measures which had been proposed at court, but an act annulling the four parliaments which had sate since the year 1633. The bishops, too, were restored, not as they had been during the reign of Charles the First, subject to the controul of a presbytery and synod, but invested with supreme and exclusive jurisdiction in ecclesiastical affairs. All ministers who refused or neglected to secure induction from a bishop were displaced. Three hundred and fifty clergymen were in this manner ejected from their livings. But the people, sincerely attached to the presbyterian worship, followed their pastors, and as they had not houses large enough to hold their congregations, conventicles were held in the open fields. The lukewarm and irregular behaviour of the new clergy tended to promote the secession of their flocks. Upon this proof
1663. of the determined spirit of the people, the severities of the government were increased. By an order of the privy council, the ejected clergy were forbidden to approach within twenty miles of their former parishes; declared seditious if they attempted to preach; and all those

who presumed to give them subsistence, subjected to the same penalties. And although Middleton was soon afterwards supplanted by Lauderdale, these acts were confirmed, and others still more severe added by the parliament which he assembled. On separation or absence from the parish church, the penalty for landholders was the forfeiture of a fourth part of their rents; for citizens the loss of a fourth part of their substance, the freedom of their corporations, and the privilege of trade; besides which, all were made liable to whatever corporal punishment the privy council might choose to inflict. The severity of these laws was exceeded by the rigour of their execution. An ecclesiastical commission went round the country, bound by no form of law, and filling the gaols with those who refused to take the oath of supremacy. In the western counties, a military persecution was introduced, and the recusants were ruined by fines arbitrarily imposed, and the still more indefinite exactions of the soldiery. After three years' continuance of extreme oppression, the people were driven into an insurrection, but their force was easily beaten and dispersed on the Pentland hills.

1666.

Frequent executions, often preceded by torture, took place on that occasion, both in Edinburgh and the country, till an order arrived

from court to stop the effusion of blood; and even then the two archbishops, Sharp and Burnet, withheld the order till they had taken away the life of a young preacher named Mac-cail, whom they barbarously tortured. He expired in the midst of his agony, exclaiming, with sublime enthusiasm, "Farewell, thou sun and moon! the world, and all its delights, farewell! Welcome God, my Father! welcome Christ, my Redeemer! welcome glory and eternal life! welcome death!"

These judicial murders were equalled, if not surpassed, by the military executions in the west, where General Dalziel put to death a son for refusing to discover his father, and a woman for being accessory to the escape of her husband. After this, the King relaxed the severity of his government, and Scotland seems to have enjoyed some repose. In 1669, indeed, the Parliament, always subservient, gave the King a more express power to regulate the church than he had hitherto possessed. This is supposed to have been an artful step of Lauderdale, to pave the way for Popery. In the following year, the storm of persecution rose again with fresh violence. The act against conventicles was renewed, and the preachers were subjected to confiscation and death. The penalties on attending conventicles were made a source of

revenue. A youth from school, and a gentleman whose wife had attended a field-meeting, compounded for fifteen hundred pounds sterling. Ten gentlemen, in the shire of Renfrew, were ordered to pay thirty thousand pounds; and many instances are related of similar extortion. But it would be endless to detail the various oppressions and abuses which Lauderdale introduced during his administration in Scotland. Letters of intercommuning, a kind of excommunication then obsolete, were revived, by which thousands of persons were ordered to be left without "meat, drink, house, harbour, or victuals." This active persecution, as might be expected, served only to exasperate. Field conventicles continued to be held, but those who attended them, sallying from hiding-places in the mountains, and furnished with arms for their defence, acquired the habits and ferocity of barbarians. Sharp, finding himself generally hated, and wishing to strike terror into his enemies, brought on the trial of one Mitchel, who, upon a promise of pardon, had, four years before, confessed an attempt to murder him. This man was now brought out of prison, and four lords of the privy council, Sharp, Lauderdale, Rothes, and Hatton, did not hesitate to deny all knowledge of their own former promise, in order to procure his con-

Jan. 1678.

demnation. A copy of the very act of council which assured him of his life was produced, but Lauderdale would not suffer the original to be sought for, saying, that four lords of council came not there to be accused of perjury.

It was not long after this, that Sharp, who had pressed the execution of Mitchel, even against the wish of Lauderdale, was barbarously murdered by some fanatics, employed in watching for one Carmichael, a man noted for his cruelty in the execution of his office of commissioner to exterminate conventicles. This savage action, charged by the privy council on the whole body of fanatics, exasperated the minds of the royalists. The field conventicles were ordained to be treasonable, and troops were sent against them, to suppress religion by the sword. The rebellion which followed need scarcely be wondered at. And there is every reason to believe, from the joint testimony of Wodrow and Barillon, that an insurrection was looked to by the court as the best pretext for increasing the army, and a convenient step to the establishment of despotic power. It is certain, that a numerous body of Highlanders was let loose upon the West early this year; and that no pains were spared to provoke to resistance the unoffending inhabitants. *

* Wodrow. Laing.

Monmouth was appointed to the command of the army sent to quell the insurrection. After the council was over at which his commission was read, Lauderdale followed the King out, and begged him to revoke that part of it which gave Monmouth power to treat with the rebels before using force to subdue them. The King asked him why he had not mentioned this at the council, to which Lauderdale artfully replied, "Were not your enemies at the board?" * Such a minister was the fit servant of a master who could say, after a long examination of some Scottish petitioners, "I find that Lauderdale has done many things against the people of Scotland, but nothing against my service." The commission to Monmouth was altered according to his desire. The defeat of the insurgents at Bothwell Bridge, and the immediate suppression of the insurrection, are related in all the histories of this reign.

When the day approached to which Parliament was prorogued, the same advisers who had concerted the prorogation, being still in fear of Lord Shaftesbury's influence, agreed to move in council for a dissolution. But having neglected to prepare the King's ministers, the Lord Chancellor, and every one present, except the three Lords and Sir William Temple,

* North.

spoke against it. So that when the King declared his determination in favour of these private counsellors, the Council broke up "with great rage on the part of Lord Shaftesbury and of Lord Russell, and the general dissatisfaction of the whole board." *

A pamphlet published at this time, called "An Appeal from the Country to the City," shows the extreme violence of party. The King is there desired to think himself Henry the Eighth for one month, and told that he will get no money from Parliament, unless he takes off the heads of the Popish faction. The Duke of Monmouth is plainly recommended for the succession, upon the old maxim, that "he who has the worst title makes the best King." Harris, the publisher, when prosecuted, was followed into court by an immense concourse of people, and the jury found a verdict of, "Guilty of selling the book only." A most important precedent.

In this place I may mention the
June. trials of many accused of the Popish Plot. Five Jesuits, and Langhorne a lawyer, were condemned and executed. But it was remarked, that "as letting blood abates a fever, these executions cooled the heat of the nation." And the uniform protestations of innocence on

* Temple.

the part of the condemned did not fail of shaking the credit of the plot. At length, on the trial of Sir George Wakeman, physician to the Queen, the King ventured to exert his influence in favour of the prisoner. It was the more incumbent on him to do so, as the accusation was directed against the Queen as well as her physician. Oates swore that he had seen a letter from Sir George, mentioning the intention of poisoning the King. But the accused, besides many circumstances which rendered the story improbable, proved that Oates, on his examination before the Council, had only mentioned a letter from a third person whom he had seen at St. Omers ; and being asked if he knew any thing more against Sir George Wakeman, he had held up his hands, protesting he did not ; and that he had then owned that he did not know the prisoner's hand-writing, though he now asserted the contrary. These contradictions were exposed in the charge of Chief Justice Scroggs, who having been at first shamefully violent in prosecuting the plot, was now as willing to please the court by bringing it into discredit. The prisoner and three others who were tried with him were acquitted. This trial seems to be the point of departure of the two great parties on the subject of the Popish Plot. Hitherto, the whole nation had given up

their senses and their reason to this favourite delusion. But henceforward, the court and church party seem to have used every means to bring odium upon the witnesses; thus exchanging their fears of Popery for alarms of fanaticism. The country party, on the other hand, represented the trial of Wakeman as partial and unfair; and they endeavoured to magnify the danger of the plot, by representing the court as favouring the escape of the conspirators.

Sept. 2. If Shaftesbury's violence during the sitting of parliament had the effect of alarming the King, his imprudent menace at the time of the prorogation served to bring back the Duke. For the King being taken dangerously ill at Windsor, the three Lords who formed the secret cabinet, thought their lives in danger should the King die, and Monmouth obtain possession of the crown.* They, therefore, advised Charles to send for his brother, who arrived from Brussels, to the great astonishment both of the court and the country. When he came to Windsor, he found his brother recovering, and he was requested to return with as much earnestness as he had been desired to come. He found means, however, by acting on the fears of Essex and Halifax, to change his banishment to

* Temple.

Brussels, for retirement to Scotland, and what was still more important, to have Shaftesbury dismissed from his office of President of the Council, and Monmouth deprived of his command of the army. And to complete the triumph of James, this dangerous rival was sent to the place of exile from which he had himself returned.

The elections, as might have been expected, went generally in favour of the country party. The King, grown still more suspicious of his parliament, and more averse to the troubles of contention, had recourse to his old expedient, the alliance of France. He endeavoured to obtain nine millions of livres from Lewis, to be paid in the course of three years, on the condition that parliament should not be assembled during that time. He repeatedly represented to Barillon, that this step would place England in the dependence of France for ever. The terms asked by the Duchess of Portsmouth and Lord Sunderland were still higher. The King at length agreed, however, to accept of one million of livres yearly for three years, with the condition that parliament should not be assembled during that time.

In the hope that a treaty would be concluded on these terms, Charles told his council,
Oct. 15. that he had resolved to prorogue his

that Parliament for a twelvemonth ; and that he would hear no reasons on the subject. But Sir William Temple stood up and said, with great freedom, “ That as to the resolution he had taken, he would say nothing, because he was resolved to hear no reasoning upon it ; therefore he would only presume to offer him his humble advice, as to the course of his future proceedings, which was, that His Majesty, in his affairs, would please to make use of some council or other, and allow freedom to their debates and advices ; after hearing which, His Majesty might resolve as he pleased ; that if he did not think the persons or number of this present council suited to his affairs, it was in his power to dissolve them, and constitute another of twenty, or ten, or of five, or any number he pleased, and to alter them again when he would ; but to make counsellors that should not counsel, he doubted whether it were in His Majesty’s power, or no, because it implied a contradiction.”

This wise and constitutional speech seems to have had no effect in altering the intention of the King ; who had, however, previously left room for a change of counsel, by ordering the immediate prorogation to extend only to the 26th January.

A new plot broke out about this time, which was nick-named the Meal-tub plot. An in-

famous character, of the name of Willoughby, or Dangerfield, a friend of Bedloe, was released from prison by Mrs. Cellier, a Popish midwife, who obtained the money for that purpose from Lady Powis, a very eminent person of the Catholic religion. He contrived to cajole these two ladies, by pretending a knowledge of a plot carrying on by the Presbyterians. To support his pretensions, he made acquaintance as well as he could with the lower emissaries of the Opposition. He hid a treasonable paper in the bed-chamber of Colonel Mansel; and, by the advice of Mrs. Cellier, took the Custom-house officers there to search for prohibited goods. He then found the paper he had himself concealed, and immediately called out, "Here's Treason!" Some days afterwards, another paper, containing a treasonable association, was found by Sir W. Waller in Mrs. Cellier's house, concealed in a meal-tub. Upon enquiry, it appeared that Dangerfield had seen the Duke and the King, under pretence of discovering a Presbyterian plot, and had received from the Duke twenty guineas. Both parties endeavoured to represent him as an agent of their opponents. But whilst his connection with Mrs. Cellier and Lady Powis was proved and avowed, his intimacy with Lord Shaftesbury was only inferred from two unimportant letters directed to that Lord,

which Dangerfield had somehow got into his possession, and had shown to the King. It is probable, that he meant to betray either, or both, as it suited him. We may judge of his character from the following facts. When his pardon was made out for treason, misprision, &c. he complained that forgery had not been inserted! Upon pleading this pardon, however, that he might be entitled to appear as a witness against Mrs. Cellier, she proved a conviction for felony, and an outlawry against him, which had been omitted!

Nov. It was not long before two of the persons who had greatly contributed to the Duke's fortune, retired from the King's council in disgust. Essex left the Treasury, saying, that the Duke had broken his promise of doing nothing without his advice; and that he suspected designs at bottom against religion. Halifax, also, finding himself neglected, retired to his seat in the North, where, as he wrote to Sir W. Temple, though he could not plant melons, he would plant carrots and cucumbers, rather than trouble himself any more about public affairs. The King said that both hung after something he was in hopes they had forgotten. This something probably meant religion and the laws. Yet, though both retired, their conduct at this time was as different as their characters. Essex was

a nobleman of the strictest honour, and the most unblemished integrity. The execution of his father, Lord Capel, by the Republicans, during the civil wars, recommended him to the court as a person likely to feel their resentments and pursue their views, with the zeal of an associate joined to the fidelity of a servant. He was for some time Lord Lieutenant of Ireland, where his administration was remarkable for impartiality and honesty. Upon the dismissal of Danby, he had been appointed to the Treasury, and distinguished his official career, by introducing an exact economy into every department. Useless pensions were retrenched, superfluous tables abolished, and envoys in foreign courts, whose services at home had recommended them to sinecures abroad, were recalled. This economy, indeed, was by no means premature, for upon the entrance of the new commissioners, only 27s. and 3d. (besides appropriated money) were found in the Treasury. * It may be mentioned, as a proof of his constitutional opinions, that when a body of guards was formed, he wrote a strong letter to the King against the project, as likely to create a suspicion that an army was to be raised. †

* Secretary Coventry, July, 1679. † Dal. 232.

Lord Essex, when he left office, withdrew from the council and joined the opposition. *

Lord Halifax was a man of more wit and fancy than judgment and decision. The colouring of his mind was better than the drawing. He admired justice and liberty in theory: he gave them up for place and titles in practice. He had too keen a perception of errors and faults to act well with others, and too great a share of them himself to gain credit by standing alone. In fine, he was one of the most honest ministers in the reign of Charles the Second, and would have been one of the most corrupt at any other period. He was reckoned the head of the party called Trimmers.

Lord Halifax, though he commended the conduct of Lord Essex, soon afterwards returned to the council, and entered, as we shall see, into the King's views.

Lord Radnor had succeeded to the office, but not to the power of Lord Shaftesbury. The management of affairs was vested in Lord Hyde, now first commissioner of the Treasury, Lord Sunderland, and Mr. Godolphin. This was a

* "As for my Lord," (Essex,) says Mr. Evelyn, "he is a sober, wise, judicious, and pondering person, not illiterate, beyond the rate of most noblemen in this age, very well versed in English history and affairs, industrious, frugal, methodical, and every way accomplished." Vol. i. 487.

ministry of expedients and fears, attached to the Duke, but afraid of adopting the measures he proposed. *

* I will here give the ballad upon these ministers, which has been attributed to Dryden, but, as Mr. Scott says, "upon slight authority, and contrary to internal evidence." Mr. Scott also remarks, that these verses entailed upon the "young statesmen," who are the subject of them, the names of Chit Sunderland, Chit Lory, &c. in the satires of the day; and I may add, in confirmation of this, that Lady Russell says in one of her letters (lately published), "The chits are gone to Althorpe."

Clarendon had law and sense,
Clifford was fierce and brave;
Bennet's grave look was a pretence,
And Danby's matchless impudence
Helped to support the knave.

But Sunderland, Godolphin, Lory*,
These will appear such chits in story,
'Twill turn all politics to jests,
To be repeated like John Dory,
When fiddlers sing at feasts.

Protect us, mighty Providence!
What would these madmen have?
First, they would bribe us without pence,
Deceive us without common sense,
And without power enslave.

Shall free-born men, in humble awe,
Submit to servile shame,
Who from consent and custom draw
The same right to be ruled by law,
Which kings pretend, to reign?

* Lawrence, Earl of Rochester, son of Lord Clarendon.

The opposition party had got wind of the King's intention of proroguing Parliament, and actively employed themselves in procuring petitions, that it might meet and do business on Dec. the 26th January, the day formerly appointed. 1679. Seventeen peers presented a petition for this purpose. These were the Earls of Kent, Huntingdon, Bedford, Clare, Stamford, and Shaftesbury, and the Lords Say and Sele, Eure, North and Grey, Chandos, Grey, Howard, Herbert, Rockingham, Townsend, Hollis, and Delamere. The King was greatly alarmed at this proceeding, and resolved to discourage the petitions at the outset. He sent for the Lord Mayor and Aldermen, when the Chancellor, by his command, told them, that letters tending to sedition and rebellion had been intercepted, desiring those to whom they were addressed to get as many signatures as possible to the petitions, no matter whether of freeholders or not. His

The Duke shall wield his conquering sword,
The Chancellor make a speech,
The King shall pledge his honest word,
The pawned revenue sums afford,
And then, come kiss my breech.

So have I seen a king in chess,
(His rooks and knights withdrawn,
His queen and bishops in distress,)
Shifting about grow less and less,
With here and there a pawn.

Majesty, said the Chancellor, expected that they would not suffer such persons as should sign such petitions, or procure signatures to them, to go unpunished. He ended by quoting an obscure opinion of the judges, given in the second year of James the First, when a question being put to them, whether it was a punishable offence to procure petitions, menacing the King with the discontent of many thousands of his subjects, if he refused their requests, the judges answered, that it was an offence near to treason and felony. Such an opinion, it is evident, even if it had been much more distinct, could have no bearing upon petitions simply desiring the King to meet his Parliament. This distinction was so obvious, that when the crown lawyers came to draw up a proclamation against the petitions, they had great difficulty in framing it so as to strike the offenders, and disguise the real offence. Jeffries wished to prohibit the framing and presenting any such petitions; and to command all the peace officers to punish every person acting to the contrary. But Lord Chief Justice North said, with jesuitical refinement, "that the proclamation ought by no means to prohibit the petitioning His Majesty in any case, much less in the case of the parliament; but that it might take notice of certain ill people, who, under the specious pretence of petitioning, went about in

a seditious and tumultuous manner, gathering hands to certain papers." And in this manner, in spite of some objections from the Attorney-General, the proclamation was drawn up.

The first petition of the Commons was presented by Sir Gilbert Gerrard, in the name of thousands of His Majesty's subjects, in London, Westminster, and parts adjacent; it spoke of the plot, and requested the sitting of Parliament. The King told them, he looked upon himself as the head of the government, and the only judge of what was fit to be done in such cases. A few days afterwards, another petition to the like effect, from Wiltshire, was presented by Thomas Thynn, Esquire, Sir Walter St. John, and Sir Edward Hungerford. The King asked them, if they came from the grand jury, and upon their replying that they did not, he told them that they came from loose, disaffected people, and desired them not to meddle in his affairs. Petitions from Essex and Berkshire were also dismissed; the first in an insulting, and the second in a contemptuous manner. All these answers were ordered to be printed in the London Gazette, in order to intimidate the country gentlemen; a purpose which they seem to have completely answered; for few, if any more petitions, were presented. In order still farther to produce an effect amongst the people, the court

party represented the Duke of Monmouth, who had come over, and remained in England, against the King's positive order, as laying the foundation for an insurrection, and the petitions as the preparatory steps of that design. Upon which several addresses were sent up, declaring that the subscribers abhorred the action of promoting petitions. Hence the whole nation became divided into petitioners and abhorers.

At this time, also, arose the distinction of Whigs and Tories. The origin of these names is well known: that of the parties took its rise from the new circumstances of the country. The Whigs formed a popular party far less enthusiastic in their religious tenets, and less divided in their political views, than that which opposed Charles the First. With the exception, perhaps, of Sydney, who was not in Parliament, none of them wished for any thing more than a regular execution of our ancient constitutional laws; government by Parliament, and trial by jury. The hereditary succession of the crown was in their eyes a rule for the benefit of the people, and not a dispensation of Providence for the advantage of a single family. If at any time, therefore, the observance of the rule became dangerous to the welfare of the community, the legislature was, in their opinion, competent to

consider whether that danger was greater than the inconvenience of deviating from the established course.

In carrying on the ordinary government of the country, their chief aim and endeavour was to preserve unimpaired the rights and liberties of the people. If, to obtain these objects, they sometimes asked for the confirmation of privileges which were doubtful, and even the establishment of some that were new, these were only natural steps in the progress of civilisation. For the same rights which, fenced by uncertain boundaries, are, in barbarous times, the occasion of discord and civil war, become, when accurately defined, the safeguard of national tranquillity. A law to be really efficient, must not only be good in itself, but must be easy of execution, and unassailable on every side. A statute enacting the liberty of the press would be of no use, if the administration of justice were not pure; the responsibility of ministers would be a phantom, if the King could grant a pardon previous to impeachment. The Act of Magna Charta itself, as was stated at the end of the last chapter, was frequently violated, and became the cause of the most destructive wars. But its purpose having been completed by the Act of Habeas Corpus and the Bill of Rights, personal liberty and public tranquillity are undisturbed.

To the necessity which exists of thus filling up the outline sketched by rude hands, we must attribute many of the pretensions which Mr. Hume has pointed out as innovations. With respect to religious distinctions, the Whigs, it must be owned, had generally a leaning towards the dissenters. Nor did this arise only from the love of freedom remarkable in those sectaries. It was connected with a laudable desire for toleration to every sect but one, which was active in its endeavours to alter the government.

The Tories, on the other hand, were attached to the laws as well as the Whigs, but were for leaving entirely to the King, whether or not they should be executed. They considered the crown as a sacred and unalienable inheritance. They held that the rights of the successor to the throne was paramount and indefeasible. And as the Whigs wished to allow liberty as far as could be consistent with monarchy, the Tories desired to give to monarchy every thing that was compatible with safety. Their attachment to the established religion alone was stronger than to the established government. At the time of which we are treating, these two principles of theirs were perfectly consistent. Whilst the Tories professed that they never would abandon the Church, the Church declared that

no circumstance whatever could alter their allegiance to the king.

It must not be supposed, however, that the Tories, though loud in their professions of unlimited submission, ever seriously meant that they would not resist in an extreme case. They sincerely venerated the laws, and dreaded the subversion of our ancient constitution. Thus whilst they spoke with abhorrence of resistance to their sovereign, their conduct had a direct tendency to produce it. For their silent acquiescence in acts of petty tyranny encouraged the King to proceed to still greater outrages, till at last no remedy was to be found but in a revolution.

The Whigs, on the other hand, by their persevering opposition, acted in a manner to prevent the necessity of the resistance of which they spoke so much.

These parties, it must be owned, have their foundations deep in the opinions of the country. As long as there is a body of men in this country attached to Church and King, more than to the constitution, the Tory party will subsist; and as long as there is a large portion of the people who consider monarchy only as the best protection for liberty, the Whig party will flourish.

CHAP. X.

CHARGE AGAINST THE POPULAR PARTY, OF RECEIVING
MONEY FROM FRANCE. — ALGERNON SYDNEY.

WE have now come to the period at which it is said that the chief members of Opposition were bribed by the French court. I need not inform my readers, that in the dispatches of Barillon, which have been published, there is an account of the sums given to each person. In looking over these lists, which have been so triumphantly brought forward by Dalrymple, the first doubt which arises respects the integrity of Barillon. When we see the characters of Sydney and of Hampden, whose names will always live in the hearts of Englishmen, depreciated upon the authority of a French minister, we naturally enquire whether the witness has any interest in concealing the truth, and whether his character stands equally high with that of the English patriots. In order to answer the first question, we must recollect that the diplomatic agents of Lewis were permitted, nay almost authorised, to pay themselves out of the money entrusted to their care.

But if such speculation was ever permitted, it was in no case more likely to happen than in that of Barillon. He had great interest in representing to his master, that the measures of Opposition were guided by him. He saw them resolved to refuse the supplies, and nothing was more easy than to say, that their conduct was the result of his own intrigues. His connections with the popular party were necessarily secret, and he might put the money in his own pocket, without any fear of detection.

Some passages in Madame de Sevigné's letters give a strong colour to these suspicions. By the first of these he appears to have had a share in the subsidies granted to Charles. In April, 1672*, Madame de Savigné writes, "Barillon a fait ici un grand séjour; il s'en va, &c. — son emploi est admirable cette année; il mangera cinquante mille francs, mais il sait bien ou les prendre." After his final return, she says, "Monsieur de Barillon est riche," &c.†

The first person who seems to have received money from Barillon‡ for members of parliament is Coleman. Sir John Dalrymple notices this, and refers us to the "Journals of the House of Commons, Nov. 7th, 1678, where

* 22d April, 1672.

† 21st March, 1689.

‡ I omit Colbert's transactions, which were quite distinct,

Coleman confesses that he got money from Barillon, to be distributed in the House of Commons." * Any one would suppose from this passage, that Coleman had so distributed the money. But, strange to say, it appears from the journals, that Coleman, though he received money, and the members of parliament to whom it was to be distributed were pointed out, affirms that he did not distribute it.

This will be seen by the following extract from the Journals of the House of Commons, 7th Nov. 1678.

" Mr. Coleman says, That he received, in the last session, of Monsieur Barillon, two thousand five hundred pounds, which he entrusted him with, to distribute to members of the House of Common, to prevent a rupture between the two crowns; and that accordingly he had prepared guineas to distribute amongst them, but that he gave none to any member of parliament, but applied them to his own use :

" That the French ambassador demanded an account of the two thousand five hundred pounds; and that he replied he had distributed it to members of the House of Commons, but desired to be excused as to their names :

" That about the time of the treaty with

* Dal. App. 201.

Monsieur Barillon on this occasion, Monsieur Barillon proposed several members to whom money might be given :

“ That to some of them the said Mr. Coleman promised to give it; and told Monsieur Barillon he had done accordingly.”

Notwithstanding this confession, some persons may believe that the money was distributed by Coleman, and that he was afraid to own it before the House of Commons. But if he had given it to members of the Opposition, who were at that time the most violent in prosecuting him, it is strange that, before his death at least, he should not have revealed a secret so fatal to them. *

Towards the end of 1678, Barillon formed a connection with Montague, as we have seen, to ruin Lord Danby. By his dispatches of 27th October, 24th November, and 22d December, he appears to have been continually busied in extending this party. He seems, by means of Algernon Sydney, to have had some correspondence with Lord Halifax. But in November, 1679, the treaty between the two Kings having been broken off, he received orders from

* Whatever difference of opinion may arise on this point, there can be none with regard to the candour and honesty of Sir John Dalrymple.

Lewis to renew his connection with the popular party. He then tells us, December 14. 1679, that he has seen Lord Hollis, who is well aware that the Court will adhere to the design of governing absolutely, and that France alone can facilitate the success of such a design. He therefore wished the nation might not be stirred up against France, but he refused to accept even the present of a snuff-box from her ambassador.* Barillon then mentions, that, not to give suspicion by too frequent visits to Lord Hollis, he corresponded with him through Sir John Baber, by whose means also he had a strict connection with Mr. Lyttleton. He also mentions connections with Mr. Powle and Mr. Harbord; and these four, he says, have touched what was promised them. In the same letter he mentions Sydney as having been of great use to him, and his name appears in the account

* I must attribute it to negligence in the late Mr. Rose, that he has accused Lord Hollis of receiving money, and that he quotes a dispatch of December 22d, 1678, as giving lists of the members of parliament who received money. This important mistake of a whole year has no doubt been occasioned by a reference, in Barillon's account of the 14th December, 1679, to his former account of the preceding year.* Mr. Rose fully accounts for such errors, by saying that he was not employed in writing his book many more weeks than Mr. Fox was years.

* Dal. App. 314.

for 500 guineas. But in another dispatch, of December 5. 1680, where he gives a more particular account of these connections, he says the greater part of them could not be made by himself; "few were to be found who would directly treat with, or have any commerce with me, by which they might have exposed their fortunes and their lives. I made use of Mr. Montague, and Mrs. Hervey, his sister; of Mr. Harbord, Algernon Sydney, and Sieur Beber." He tells us afterwards, that Sydney's connections are with obscure people; so that he must be left out of the question. The persons, then, who managed these affairs, were Mr. Harbord, Mr. Montague, Mrs. Hervey, and Sir John Baber. Of Mr. Harbord we know nothing but his parliamentary politics. The character of Mr. Montague is one of the meanest that is to be found in history, and his sister seems to have been concerned in all his intrigues. Sir John Baber was a leader of the Presbyterians, who at one time belonged to Keeper Bridgman*, was at bottom attached to the Duke of York†, and received a regular pension from the Court for selling his party.‡ I will now put it to the

* Echard.

† Barillon, Dal. App. 282.

‡ North.

good sense of the reader, whether it is more probable that such a man as Hampden, a gentleman of independent fortune and firm principles, who was afterwards sentenced to pay a fine of 40,000*l.* and actually paid 6000*l.* for his liberation from prison, should accept a bribe of 500*l.*; or that Barillon should be deceived, as he had been before by Coleman, by corrupt and worthless emissaries. It would be the less difficult for them to blind his eyes, as all he wished from the Opposition was to refuse the supplies, which they were already determined not to grant, without the Exclusion Bill; and so little did he dream of influencing them in the choice of a successor, that he did not dare to let them see that he was instructed to oppose the Duke of Monmouth, though his master had ordered him to traverse his pretensions by every means in his power. It seems most probable, upon the whole, that Barillon was persuaded he was buying the first speakers in Parliament, and ruling the decisions of the House of Commons, whilst, in fact, he was only paying a few skilful intriguers. This view is supported by an expression of Algernon Sydney: "You know," he writes to Saville, "M. de Barillon governs us, if he be not mistaken." But his representation of Sydney is still more at variance with itself, than with that great man's

established character. Whilst at one moment he represents him as a man of high views, of lofty republican principles, of such strict honour, that he could not be supposed to be under the influence of his brother-in-law, Lord Sunderland; he gravely tells us, at another time, that he has nearly gained him with 500 guineas, and that a little more money will make him entirely his! Yet some persons may, perhaps, be inclined to give credit to the charge against Sydney of having received money, because, fifteen years before, he had offered to the French Court, for 100,000 crowns, to make an insurrection in England. It is extremely improbable, however, that two sums of 500 guineas, which is all that he appears, by Barillon's dispatches, to have received, should have been thought sufficient by Sydney for the purpose of making an insurrection. He may have asked for more, but he would hardly have accepted so little.

No one of common sense, I imagine, can believe that he took the money for himself. His character is one of heroic pride and generosity. His declining to sit in judgment on the King; his extolling the sentence when Charles the Second was restored; his shooting a horse, for which Lewis the Fourteenth offered him a large sum, that he might not submit to the will

of a despot, are all traits of a spirit as noble as it is uncommon. With a soul above meanness, a station above poverty, and a temper of philosophy above covetousness, what man will be envious enough to think that he was a pensioner of France?

In this place I shall take the liberty of inserting a few words relative to another accusation against Sydney. Mr. Hume says, that "the ingratitude and breach of faith of Sydney, in applying for the King's pardon, and immediately on his return entering into cabals for rebellion, form a conduct much more criminal than the taking of French gold." Dalrymple, in his florid manner, compares him to Brutus, who disregarded private obligations in a public cause. It is difficult to estimate the amount of the obligation conferred by Charles on Sydney. As he had not sate on the trial of Charles the First, he was not excepted out of the Act of Indemnity. Had he come over immediately afterwards, he could not have been prosecuted or imprisoned, without a breach of law and justice. His father, Lord Leicester, however, wrote to him, that, "though the Bill of Indemnity be lately passed, yet if there be any particular and great displeasure against you, as I fear there is, you may feel the effects thereof from the higher

powers, and receive affronts from the * lower." In fact, the law was then so little a protection, that he could not rely upon it without the additional favour of the Court. For this reason, he applied for a passport, which was refused. At length, however, when his father was dying, a passport was granted, and an end thus put to an unjust and illegal persecution. Such is the amount of Sydney's obligation to Charles the Second.

With respect to the other members of the Opposition, I do not by any means intend to deny that some amongst them may have received the money of France. Corrupt men were no doubt to be found in that age, in all parties, and some may have reconciled so mean an act to their conscience by the reflection that they still pursued the true interest of their country. But it is remarkable, that of the twenty persons mentioned in Barillon's last and longest list, not above half were in Parliament, and almost all of those were leaders. Now if any one or two obtained money from Barillon for persons to whom they did not distribute it, or if Barillon himself embezzled the money, the names which would naturally appear in his

* Meadley's Life of Sydney, p. 326. Appendix.

lists would be those of the speakers who had the greatest reputation. But if the transactions were real, it is much more probable that he should have been able to buy the lower and more obscure members of parliament, than those whose fame stood highest for ability and integrity.

I here subjoin the two lists of Barillon. Courtin's, which is dated in one part of Sir J. Dalrymple, 15th May *, and in another place 15th July †, 1677, concerns only Lord Berkshire, here called Lord Barker, and six others not members of Opposition.

Barillon from 22d December, 1678, to 14th December, 1679.

Duke of Buckingham	-	1000 Guineas.
Mr. Sydney	- - -	500
Bulstrode, at Brussels	-	400
Beber	- - -	500
Lyttleton	- - -	500
Powle	- - -	500
Harbord	- - -	500

* Dal. App. 314.

† Ibid. 129.

December 5th, 1680.

William Harbord	- - -	500 Guineas.
Mr. Hamden	- - -	500
Col. Titus	- - -	500
Hernsbrand (Armstrong)	- - -	500
Bennet (once Secretary to Prince Rupert, afterwards to Shaftes- bury)	- - -	300
Hotham	- - -	300
Hicdal	- - -	300
Garoway	- - -	300
Francland	- - -	300
Compton	- - -	300
Harley	- - -	300
Sacheverel	- - -	300
Foley	- - -	300
Bide	- - -	300
Algernon Sydney	- - -	500
Herbert	- - -	500
Baber	- - -	500
Hil	- - -	500
Boscawen	- - -	500
Du Cross, (Envoy from the Duke of Holstein,)	- - -	150
Le Pin, (one of Lord Sunderland's clerks,)	- - -	150

CHAP. XI.

LORD RUSSELL LEAVES THE COUNCIL.—BLACK BOX.—ELECTION OF SHERIFFS.—DUKE OF YORK INDICTED AS A RECUSANT.—HE GOES TO SCOTLAND.—MONMOUTH'S PROGRESS.—MEETING OF PARLIAMENT.—VIOLENCE AGAINST THOSE WHO HAD PROMOTED THE ABHORRING ADDRESSES.—LORD RUSSELL SECONDS A MOTION FOR BRINGING IN THE EXCLUSION BILL.—REASONS IN FAVOUR OF IT.—DEBATES IN THE COMMONS.—THE BILL PASSES THROUGH A COMMITTEE.—MESSAGE FROM THE CROWN.—EXCLUSION BILL PASSED BY THE HOUSE OF COMMONS, AND CARRIED UP BY LORD RUSSELL TO THE HOUSE OF LORDS.—IT IS THROWN OUT.—OBSERVATIONS OF MR. FOX.

THE King had agreed, upon the pressing instances of the Duke, that he would recall him from Scotland as soon as Parliament was prorogued; and the 26th January was no sooner passed, than he declared his resolution

Jan. 28. in Council. Three days afterwards,
1680. Lord Russell, Lord Cavendish, Mr. Powle, and Mr. Lyttleton, “distasted at the late prorogation,” says Sir W. Temple, “as well as at the manner of it, and pretending to despair of being able to serve the King any longer, in a conduct of affairs so disagreeable to the

general humour of the people," asked His Majesty's permission to leave the Council. The King replied, "With all my heart."

A rumour was spread with great industry at this time, which probably owed its origin to Lord Shaftesbury. It was said that a black box was in the possession of Sir Gilbert Gerrard, containing a contract of marriage between the King and Lucy Walters, mother of the Duke of Monmouth. Sir Gilbert Gerrard, when examined before the council, denied any knowledge of such a box, and the King soon after published a declaration that he never was married to Mrs. Barlow, alias Walters, nor to any other woman but the Queen.

A great contest, attended with much confusion, took place on the election of the sheriffs. Bethel, a presbyterian and republican, who has been severely lashed by the pen of Dryden, and Cornish, a warm friend of liberty, were elected by a great majority. These sheriffs have been accused by North of perverting the course of justice, by making out the lists of juries themselves, instead of leaving that business to the under-sheriff, as before; and by using this power, to make juries consist entirely of their own friends. This charge, I fear, cannot be disproved.

The Whig party seems now to have been determined to break with the Duke of York beyond the possibility of return. On the 16th of June, Lord Shaftesbury came to the grand jury at Westminster, accompanied by several Lords and Commoners, and indicted the Duke as a popish recusant. The bill was attested by himself, Lord Huntingdon, Lord Russell, Lord Cavendish, Lord Grey, Lord Brandon Gerrard, and many Commoners, amongst whom occur the names of John Trenchard, and Thomas Thynne, Esqrs. The chief justice, fearing the consequences of this step, dismissed the grand jury before they had finished their presentments. But though the proceeding went no further in Westminster Hall, it had a very general effect on the minds of the people.* It seems also to have produced great impression upon those whose support was most essential to the Duke. Not only Lord Essex and Lord Halifax, but Lord Sunderland, and Mr. Godolphin, convinced that a party which could take so bold a step must have a deep foundation in the country, advised that James should go out of England. What made the Duke's absence especially necessary at this period, was the approaching meeting of Parliament. For the treaty with France, before men-

* Temple.

tioned, having been broken off upon the refusal of Hyde and Sunderland to agree to the unjust conditions proposed by the French * ambassador, the want of money obliged the King to meet his Parliament. Previous to their assembling, he called a Council, in which his brother's absence was proposed. The debate was violent, and the majority of the Council appeared to be in favour of the Duke; but the King, supported by Halifax, Essex, Sunderland, and Godolphin, decided the question against him. Mr. Seymour said at the Council Board, that those who voted so readily for the Duke's going away, would vote as readily for the King's leaving the kingdom, if the people wished it. Mr. Godolphin replied, "If the Duke does not go now, he must go in a fortnight, and the King with him." Charles appears on this occasion to have been quite convinced of the necessity of his brother's absence. In this extremity, the Duke saw himself utterly abandoned. He in vain endeavoured to persuade the King to rely upon his troops, and establish his authority by force of arms. † He could only complain to the King that the Crown had not been made independent of Parliament at the Restoration, and that the precedent of the

* Dal. App. 242.

† Dal. 265.

impeachment of Lord Clarendon had made ministers more anxious to court an interest in the House of Commons than to pursue that of their princes. * He told Barillon, that some of the Lords in the Tower had been in the secret of all that had been designed, and he did not understand how his brother should wish to drive all the Catholics to despair. †

Before he went he asked for a pardon, that he might be secure from impeachment. But this also was refused, and all he could obtain was a promise from the King that he would dissolve the Parliament should they proceed to extremities

* The following sentences form a part of his remonstrance to the King, as he himself records it.

“ Had that opportunity been prudently managed which the restoration afforded, the Crown might have had such a revenue settled upon it, as would have answered all its expences, and so cut the ground from under the Republicans’ feet, who have (*had*) no other to stand on when they invaded the throne. — But the most fatal blow the King gave himself, was when he sought aid from the Commons to destroy the Earl of Clarendon; by that he put that House again (*in possession*) of their impeaching privilege, which had been wrested out of their hands by the Restoration; and when ministers found they were like to be left to the censure of the Parliament, it made them have a greater attention to court an interest there, than to pursue that of their princes, from whom they hoped not for so sure a support.”
Life of James, vol. ii. p. 492.

† Dal. 270.

against him. He at length embarked for Scotland, menacing revenge against his enemies, and assuring Barillon that he was eternally attached to the King of France. He even revolved in his mind the scheme of heading a rebellion in Scotland and Ireland should his brother consent to the requests of his Parliament.*

In the month of August this year, the Duke of Monmouth made the progress in the west which had been celebrated by Dryden. He first visited Mr. Thynne, at Longleat, and from thence proceeded, from one friend's house to another, to Exeter. He was received every where with joyful acclamations, and at Exeter, a band of near a thousand young men, dressed in linen waistcoats and drawers, came out to meet him.

He seems to have been at this time set up by Shaftesbury, and countenanced by the Whigs as a Pretender to the throne, with more confidence than ever. But besides the illegitimacy of his birth, he wanted the qualities fit for a leader. He was deficient in resolution, without which no man can make a figure in public life. His chief attraction with the people was the beauty of his countenance, and the grace of his manner.†

* Dal. 270.

† Whate'er he did was done with so much ease,
In him alone 'twas natural to please;

The Parliament met on the 21st October, 1680. The King's Speech began with informing the Houses of the new alliance with Spain, which he assured himself could not fail of being grateful to Parliament, and to attain the end he had in view, "if our divisions at home do not render
" our friendship less considerable abroad. To
" prevent these as much as may be, I think fit
" to renew to you all the assurances which can
" be desired, that nothing shall be wanting on
" my part to give you the fullest satisfaction
" your hearts can wish for the security of the
" Protestant religion; which I am fully resolved
" to maintain against all the conspiracies of our
" enemies, and to concur with you in any new

His motions all accompanied with grace,
And paradise was opened in his face.
With secret joy indulgent David viewed
His youthful image in his son renewed.

Notwithstanding the last line, it has by many been supposed that he was the son of Robert Sydney, commonly called handsome Sydney. Mr. Evelyn says he resembled Sydney much more than the King.* And if the biographer of James speaks truth, the circumstance is easily accounted for. Speaking of Monmouth's mother, he says, that after having been in treaty with Algernon Sydney for fifty broad pieces, "as he himself related the story to his R. H." she lived with his brother Robert in Holland, and the latter is said to have hinted that she was with child by him†, when she left him for the King.

* Evelyn's Mem. vol. i. p. 567.

† Life of James, vol. i. p. 491.

“ remedies which shall be proposed, that may
“ consist with preserving the succession of the
“ Crown its due and legal descent.” The
Speech went on to recommend a farther examin-
ation of the plot, and a speedy trial of the
Lords in the Tower. The King then demanded
succours for Tangiers, and concluded by earnest
exhortations to union amongst themselves. Mr.
Williams was chosen Speaker.

On the 26th October, Dangerfield was brought
to the bar, and gave an account of the meal-tub
plot. After this, which was represented as a
piece of tactics used to impress the House with
an idea that the plot was still in vigour amongst
the Catholics, Lord Russell rose and said, “ Mr.
“ Speaker — Sir, seeing by God’s providence,
“ and His Majesty’s favour, we are here assem-
“ bled to consult and advise about the great
“ affairs of the kingdom, I humbly conceive it
“ will become us to begin first with that which
“ is of most consequence to our King and coun-
“ try, and to take into consideration how to save
“ the main, before we spend any time about par-
“ ticulars. Sir, I am of opinion that the life of
“ our King, the safety of our country and Pro-
“ testant religion, are in great danger from
“ Popery, and that either this Parliament must
“ suppress the power and growth of Popery,
“ or else that Popery will soon destroy, not only

“ Parliament, but all that is near and dear to us.
“ And, therefore, I humbly move that we may
“ resolve to take into consideration, in the first
“ place, how to suppress Popery, and to prevent
“ a Popish successor; without which all our
“ endeavours about other matters will not sig-
“ nify any thing, and therefore this justly chal-
“ lengeth the precedency.”

The motion was seconded by Sir H. Capel, and supported by Sir F. Winnington and Mr. Montague, after which it was resolved *nem. con.*
“ That it is the opinion of this House that they
“ ought to proceed effectually to suppress
“ Popery, and prevent a Popish successor.”

The next day Sir G. Gerrard brought before the House the subject of the petitions, and the proclamation which had been issued to discourage them. Mr. Sacheverel moved a vote to assert the right of the subject to petition, to which Sir F. Winnington added another, to declare, “ That
“ it is, and ever hath been the undoubted right
“ of the subjects of England to petition the
“ King for the calling and sitting of parliaments,
“ and redressing of grievances. 2d. That to
“ traduce such petitioning as a violation of duty,
“ and to represent it to His Majesty as tumultuous or seditious, is to betray the liberty of
“ the subject, and contribute to the design of
“ subverting the ancient legal constitution of

“ this kingdom, and introducing arbitrary power.
“ 3d. That a committee be appointed to enquire
“ after all such persons that have offended
“ against the right of the subject.”

These votes were unanimously agreed to, and three days afterwards Sir F. Withins was expelled for promoting and presenting an address, expressing an abhorrence of the act of petitioning His Majesty for the calling and sitting of parliaments.

This vote appears at first sight arbitrary and unjust; but if we consider that the tendency of these addresses was to deprive the subject of parliaments, which is not only one of our most valuable rights, but the guardian of all the rest, and that their direct consequence would have been to abrogate a positive law of the realm, we shall rather conclude that the severity shown by the House of Commons is at least excusable.

Yet it is not to be denied, that the rage of the Commons against those who had obstructed their meeting, carried them to unjust and arbitrary proceedings. Not contented with punishing their own members, they sent their serjeant to take into custody persons even in Northumberland and Yorkshire, suspected of promoting the addresses. This practice became so oppressive, that the people began to turn their suspicions of an arbitrary King into fears of an arbitrary Par-

liament. A Mr. Stawell, a gentleman of good family in Devonshire, acquired great popularity by refusing to submit to the arrest. The House, to avoid a discussion of the question, gave him a month's time for his appearance. Mr. Hume says, that his vigour and courage put an end to the practice. * The Commons did not pass over the violent and intemperate threats which had been used by Sir George Jeffries, and, in an address to the King, they desired that he might be removed from all his public offices and employments under the Crown. The King hesitated to agree to this prayer, but Jeffries himself took the alarm, and not only gave up all his offices, but received a reprimand on his knees at the bar of the House of Commons. The King wittily remarked, that Jeffries was not parliament-proof. The Attorney-General being next brought to the bar, was asked who had assisted him in drawing up the proclamation; and, after several refusals to answer the question, he was at length induced to name the Lord C. J. North. Upon which an impeachment was ordered against him; but though a committee was named, the

* Roger Coke mentions a person of the name of Herring, who having absconded, the House threatened to proceed against him by bill, ten days after the vote mentioned in the text. But it would seem by the Journals, (14th Dec. 1680,) that his offence was of a different nature.

accusation against him was not found to be sufficient to build a legal charge upon.

Nov. 2. On the 2d November Lord Russell seconded a motion, made by Colonel Titus, "That a committee be appointed to draw up a bill to disable James Duke of York from inheriting the imperial crown of this realm."

It may naturally excite some surprise to find Lord Russell proposing so violent a measure as the exclusion of the legal successor to the throne. He was loyal in his disposition, and zealously attached to hereditary monarchy. He was of a temper which inclined to moderate measures, and had on a former occasion supported the plan of limitations. The difficulty of carrying the Bill of Exclusion must have forcibly struck him; for the Peers were known to be favourable to the Court, whilst the Clergy were, as usual, engaged on the side of prerogative and legitimacy: and if, as it was afterwards loudly proclaimed in Parliament, there was a loyal party, determined, in spite of all laws, to assert the right of James, a wise patriot, it may be said, would never concur in the formation of an act which entailed resistance, and made a provision for civil war. These considerations might have had some weight in Lord Russell's mind, and probably restrained him from joining Lord Shaftesbury when he first promoted the Exclusion Bill. On the other

hand, his affection to the reigning family must have been shaken by remarking how frequently they had violated the liberties, and betrayed the interests of the country they were called to govern. James the First had torn with his own hand the remonstrance of the Commons from their Journals: Charles the First had set at defiance all law and order, when he seized, in the House of Commons, five members who were obnoxious to him: Charles the Second, restored by an indulgent nation, had become the pensioner of France, her greatest enemy, and a promoter of Popery, the object of her continual dread. His conduct was only moderated by love of ease, and an instability of temper, which unfitted him for great enterprizes. But his brother James was so bigotted in his religious principles, and so arbitrary in his notions of government, that there could be little doubt he would endeavour, immediately on his coming to the throne, to introduce the Roman Catholic religion, and lay aside parliaments. These apprehensions have been fully confirmed, and more than justified by subsequent events. There was also reason to fear that he would avail himself, as Charles had intended to do, of the military assistance of France; and that, amongst the divisions of the times, he would gain at least one party in the nation to his support. His neglect in both these particu-

lars implies an extreme of folly and arrogance, which could not fairly be an element of calculation, and forms another instance of the truth of the proverb, "Quem Deus vult perdere prius dementat!"

If the existing actual danger was so imminent as to justify the strongest remedy, the obstacles to the Exclusion Bill were not, in their own nature, so insurmountable as they afterwards became by force of circumstances. The tenacity of the House of Lords to the principles of legitimacy might have been overcome by the perseverance of the Commons, as it was afterwards at the Revolution, when they refused to declare the throne vacant; and with regard to the Court, it was to be observed that Charles had never been steady to any man or any measure. It has even been said, that if he could have been assured of 600,000*l.* from the Commons, he would have agreed to the exclusion of his brother. But they suspected his sincerity, probably with reason. The Duchess of Portsmouth was induced, partly by her fears of impeachment, and partly by her hopes of her son's succession, to be zealous in favour of the exclusion. The Duke of Monmouth promoted it as an opening to his own designs on the Crown; and the Prince of Orange, probably with like intentions, encouraged Pensionary Fagel to send a strong me-

morial in its support. Lord Sunderland, Lord Essex, and Mr. Godolphin, secretly favoured it in the Council. That the part taken by Lord Russell was of no trifling importance, is sufficiently plain from a passage in Sir W. Temple, where he mentions, as one of two circumstances that had great influence on the House, the lead which Lord Russell took in promoting the Bill.

The motion for bringing in the Bill was supported by Sir H. Capel, Mr. Boscawen, Sir F. Winnington, Colonel Birch, &c. They urged that every endeavour had been made, but without success, to find another expedient: that any other law would give the Duke of York such a command both of the army, and of the revenue, that he would be enabled to make those inroads on our constitution, in church and state, which he had been so long promoting.

On the other hand, the motion was opposed by Mr. Garroway, Mr. Lawrence Hyde, Sir C. Musgrave, and Sir R. Graham, who severally spoke for expedients; but the greatest ability was displayed by Mr. Seymour: — “ Sir, I must
“ confess,” he said, “ I am very much against
“ the bringing in of this Bill; for I think it a
“ very unfortunate thing, that, whereas His
“ Majesty hath prohibited but one thing only,
“ we should so soon fall upon it. I do not
“ see there is any cause why we should fear

“ Popery so much as to make us run into such
“ an extreme. We are assured there can be
“ no danger during His Majesty’s life ; so, upon
“ an impartial examination, we shall find there
“ can be no great reason for apprehension
“ after his death, though the Duke should
“ outlive and succeed him, and be of that
“ religion. Have we not had great experience
“ of his love for this nation ? Hath he not al-
“ ways squared his actions by the exactest rules
“ of justice and moderation ? Is there not a pos-
“ sibility of being of the Church, and not of the
“ Court, of Rome ? Hath he not bred up his
“ children in the Protestant religion ; and showed
“ a great respect for all persons of that pro-
“ fession ? Would it not be a dangerous thing
“ for him (I mean in point of interest) to offer
“ at any alteration of the religion established by
“ law ? Can any man imagine that it can be
“ attempted without great hazard of utterly
“ destroying both himself and family ? And
“ can so indiscreet an attempt be expected from
“ a Prince so abounding in prudence and wis-
“ dom ? But though we should resolve to have
“ no moderation in our proceedings against
“ Papists, yet I hope we shall have some for
“ ourselves. It cannot be imagined that such
“ a law will bind all here in England, or
“ any in Scotland ; and it is disputed whether

“ it will be binding in Ireland : so that, in all
“ probability, it will not only divide us amongst
“ ourselves, but the three kingdoms, one from
“ the other, and occasion a miserable civil war.
“ For it cannot be imagined that the Duke will
“ submit to it ; and to disinherit him for his
“ religion, is not only to act according to the
“ Popish principles, but to give cause for a war
“ with all the Catholic princes in Europe ; and
“ that must occasion a standing army, from
“ whom there will be more danger of Popery
“ and arbitrary government, than from a Popish
“ successor, or a Popish king.”

The Bill was agreed to be brought in, and was read a first time on November 4th. On this day, Sir Leoline Jenkins objected to the Bill, on the grounds that it was unjust to condemn a man unheard ; that it was contrary to the principles of our religion to dispossess any one of his right, because he differed in point of faith ; that the Kings of England have their right from God alone, and that no power on earth could deprive them of it ; that this Bill would alter the law of the land, and make the Crown elective ; and that Parliament, as well as all the King's subjects, were bound by the oath of allegiance, and could not disinherit the heir of the Crown. These arguments of the Secretary of State were fully answered by Mr. Hampden, and by Mr. Booth,

afterwards Lord Delamere. Mr. Hampden said,
“ Sir, I do not understand how it can be con-
“ strued, because we are about to disinherit the
“ Duke, that therefore it must be for his re-
“ ligion. For my part, I do approve of the
“ Bill; but it is because the opinions and prin-
“ ciples of the Papists tend to the alteration of
“ the government and religion of this nation,
“ and the introducing, instead thereof, of su-
“ perstition and idolatry, and a foreign arbitrary
“ power. If it were not for that, I am apt to
“ think the Duke’s being a Papist would not be
“ thought a sufficient cause for the House to
“ spend time about this Bill.” *

Mr. Booth said, “ If the Duke be excluded,
“ you are told how unjust it is to take away his
“ right from him; that the crown is his inhe-
“ ritance, if he survive the King; and besides,
“ you provoke him, and all the Papists in Eng-
“ land, to rise and cut our throats. On the
“ other hand, it is plain, that when we shall

* This was the best ground upon which the Bill of Ex-
clusion could be placed; and every reader of the history of
these times, who may be disposed to accuse the Whigs of
intolerance towards the Papists, ought to recollect that their
principles tended to the alteration of the government and re-
ligion of the nation. In our days, however, there is no more
danger of the re-establishment of the Roman Catholic faith
than of another invasion from the Romans.

“ have a Popish King, our religion and laws
“ are not secure one moment, but are in con-
“ tinual danger. So that the case, in short, is
“ this : whether we shall sit still, and put it to
“ the venture of having a Popish successor ;
“ and in that case we must either submit our
“ heads to the block, or fight and be rebels ;
“ or else to have a law that will justify us in
“ defending our religion and laws : in plain
“ English, whether we would fight for or against
“ the law. I think I have put it right ; and
“ now let every man make his choice that loves
“ either his God or his country. As to the
“ Duke’s right to the crown, I wish it were
“ clearly known what sort of right it is he
“ claims, and whence he derives it ; he is not
“ heir apparent, neither do I think that our law
“ knows any such thing as an heir to the crown,
“ but only as a successor : and therefore neither
“ the Duke, nor any other whatsoever, can
“ pretend the same title to the crown as the
“ son of a subject can to his father’s estate after
“ his decease : for, with subjects, they do not
“ succeed but inherit. It is not so as to the
“ crown ; for there they succeed : and it is from
“ not rightly considering the word heir, as it
“ is a synonymous term with that of successor,
“ that has made so many to be deceived in the
“ Duke’s title to the crown : for this word heir

“ to the crown was not heard of till arbitrary
“ power began to put forth. Before William
“ the Conqueror’s time, it would have been a
“ senseless word, when the people set up and
“ pulled down as they saw cause : and till
“ Queen Elizabeth it was not much in fashion,
“ when the crown was so frequently settled by
“ act of parliament, and the next of blood so
“ often set aside ; when the son seldom followed
“ his father into the throne, but either by elec-
“ tion in the lifetime of his father, or else by
“ act of parliament. So that, to make the
“ Duke either heir apparent or presumptive to
“ the crown, it must be proved either by the
“ constitution of the government, or by some
“ law or act of parliament. If, therefore, he
“ has a title to the crown, it is necessary to
“ know what it is, and whence he has it ; but
“ if he has none, it is not unjust to pass the
“ Bill, or any other where he shall be particu-
“ larly named ; but I will say no more of this,
“ lest I may seem to be against kingly govern-
“ ment, which I am not.”

On the 8th November, the Bill passed through a committee, was agreed to, and reported to the House. Proceedings so speedy, and a consent so general, alarmed the Court ; and a message from the Throne was sent down in these terms : —

“ His Majesty desires this House, as well for
“ the satisfaction of his people, as of himself,
“ to expedite such matters as are depending
“ before them relating to Popery and the plot;
“ and would have them rest assured that all
“ remedies they can tender to His Majesty con-
“ ducing to these ends, shall be very acceptable
“ to him, provided they be such as may con-
“ sist with preserving the succession of the
“ crown in its legal course of descent.”

It is obvious that this message was only a manner of informing the House that the King would never agree to the Bill of Exclusion. But the Commons chose to attend only to the first part of the message. Many took occasion to observe, that it was strange that the King, who had prorogued Parliament for more than a year, should now find fault with them for the delay of a fortnight; and a committee was appointed, of which Sir William Jones (introduced the same day) was chairman, to draw up an answer to that effect. They at the same time resolved on the prosecution of Lord Stafford, and informed the King that they should soon be ready for the trial. Thus the irregular interference of the King was to little purpose. Indeed, many of his friends thought that it would have been a wiser part in him to have been silent, and have left the odium of rejecting the

Bill entirely to the Lords. But it was thought necessary, by some ostensible act, to counteract the misrepresentations of Shaftesbury; and the anxiety of a King in behalf of the succession of his brother, was likely to produce a favourable effect on the minds of his people. On the debate in council on this message, Lord Halifax first manifested his zeal against the Bill, and entirely separated himself from Sunderland, Essex, and Godolphin, who were its secret friends, and wished not to throw it out of the House of Lords at the first reading.

The third reading of the Bill occasioned a long debate. Sir Leoline Jenkins again spoke against it; and Mr. L. Hyde, on the same side, said, that if the law was passed, there was a loyal party which would never obey it, but would think themselves bound, by their oath of allegiance and duty, to pay obedience to the Duke! He remarked that the proviso, ordered to be added for the security of the Duke's children, did not include the words "presumptive heir to the Crown." He was answered by Sir William Jones, a profound lawyer, and a man of great eminence, who maintained, as Mr. Booth had done, that the words "presumptive heir to the Crown" were totally unknown to our law-books; and that the succession of the Duke's children was secure without them.

Nov. 15. The Bill now passed the Commons,
1680. and Lord Russell was ordered to carry it up to the House of Lords for their concurrence. He did so four days afterwards. We are told in the Life of James that many members wished the Bill to be kept back for a short time longer, not thinking the Lords sufficiently prepared ; but that Lord Russell, carried on by his exceeding ardour on this occasion, and having the Bill in his hand, ran away with it in spite of all opposition. Finding they could not withhold him, many members accompanied him, and, when it was delivered, gave a mighty shout.

In the debate on the first reading, Lord Essex and Lord Shaftesbury were the chief speakers for it, and Lord Halifax against it. The King was present all the time, and the whole House of Commons, having adjourned their proceedings expressly for this purpose, attended the debate. On a divison the Bill was lost, 63 being against it, and only 30 for it. The Lord Sunderland, to the great surprise and displeasure of the King, appeared in the minority. The great majority on this occasion is not difficult to account for. Besides the bishops, whose principles and interest were both against the Bill, there were a number of Lords, either attracted by the distinctions and swayed by the pleasures

of the Court, or unable to withstand the personal canvass of the King. In the debate, the party against the exclusion derived great advantage from the ready wit and ingenious eloquence of Lord Halifax. For, unhappily, this very able man, though pursuing the same objects as Lord Essex and Lord Shaftesbury, had so great a respect for his own wisdom, that he preferred leaving our religion and liberty without any security, to accepting that which was devised by the judgment of his political friends. *

Lord Halifax proposed, as an expedient to secure the country from the dangers apprehended, that the Duke should be banished for life. The Whigs were totally averse to this proposal, and James himself dreaded it still more than the Exclusion Bill. †

I shall conclude this chapter with the excellent observations of Mr. Fox on the comparative

* It is more conformable to the character of Lord Halifax to suppose him swayed by the motive I have assigned to him, than by personal animosity against Shaftesbury. Yet he no doubt viewed with apprehension the prospect of Monmouth succeeding to the throne. It would appear, both from Burnet and Temple, that his quarrel with Shaftesbury was rather an effect of his opposition to the Exclusion Bill, than the cause of it.

† Life, vol. i. p. 635.

merits of the Bill of Exclusion and the plan of limitations.

“ To those who acted with good faith, and
“ meant that the restrictions should really take
“ place and be effectual, surely it ought to have
“ occurred, (and to those who most prized the
“ prerogatives of the Crown, it ought most
“ forcibly to have occurred,) that in consenting
“ to curtail the powers of the Crown, rather
“ than to alter the succession, they were adopt-
“ ing the greater, in order to avoid the lesser
“ evil. The question of what are to be the
“ powers of the Crown, is surely of superior im-
“ portance to that of who shall wear it? Those,
“ at least, who consider the royal prerogative as
“ vested in the King, not for his sake, but for that
“ of his subjects, must consider the one of these
“ questions as much above the other in dignity,
“ as the rights of the public are more valuable
“ than those of an individual. In this view, the
“ prerogatives of the crown are in substance
“ and effect the rights of the people; and these
“ rights of the people were not to be sacrificed
“ to the purpose of preserving the succession to
“ the most favoured prince, much less to one
“ who, on account of his religious persuasion,
“ was justly feared and suspected. In truth,
“ the question between the exclusion and re-
“ strictions seems peculiarly calculated to as-

“ certain the different views in which the differ-
“ ent parties in this country have seen, and
“ perhaps ever will see, the prerogatives of the
“ Crown. The Whigs, who consider them as a
“ trust for the people, — a doctrine which the
“ Tories themselves, when pushed in argument,
“ will sometimes admit, — naturally think it their
“ duty rather to change the manager of the
“ trust, than to impair the subject of it ; while
“ others, who consider them as the right or pro-
“ perty of the King, will as naturally act as they
“ would do in the case of any other property,
“ and consent to the loss or annihilation of any
“ part of it, for the purpose of preserving the
“ remainder to him whom they style the rightful
“ owner. If the people be the sovereign, and
“ the King the delegate, it is better to change
“ the bailiff, than to injure the farm ; but if the
“ King be the proprietor, it is better the farm
“ should be impaired, nay, part of it destroyed,
“ than that the whole should pass over to an
“ usurper.”

A doctrine, entirely similar in its scope and purport to the opinion here given by Mr. Fox, is laid down by Lord Russell, in the paper which he delivered to the sheriffs on the scaffold : “ As to the limitations that were proposed,” he there says, “ if they were sincerely offered, and had passed into a law, the Duke then should have

been excluded from the power of a King, and the government quite altered, and little more than the name of a King left; so I could not see either sin or fault in the one, when all the people were willing to admit the other; but thought it better to have a King with his prerogative, and the nation easy and safe under him, than a King without it, which would breed perpetual jealousies and a continual struggle."

CHAP. XII.

DISAPPOINTMENT OF THE COMMONS. — ADDRESS TO THE THRONE. — TRIAL OF LORD STAFFORD. — DOUBTS STARTED BY THE SHERIFFS RESPECTING HIS EXECUTION. — BILL OF ASSOCIATION MOVED BY LORD CAVENDISH. — THE KING ASKS FOR SUPPLIES. — ANSWER OF THE COMMONS. — ENQUIRY INTO THE CONDUCT OF THE JUDGES. — IMPEACHMENT AGAINST CHIEF-JUSTICE SCROGGS. — DISPUTES BETWEEN THE KING AND THE HOUSE OF COMMONS, ON THE SUBJECT OF THE EXCLUSION BILL. — PROROGATION AND DISSOLUTION. — ELECTIONS.

THE loss of the Exclusion Bill occasioned, as might have been expected, great indignation in the Commons. Lord Russell is said to have exclaimed with a violence unusual to his nature, "If my own father had been one of the sixty-four, I should have voted him an enemy to the King and kingdom." * Every one acquainted with him knew that he was the last man in the country capable of acting with such barbarous patriotism.

The resentment of the Commons appeared in a signal manner on a debate upon the King's message, asking supplies for the support of Tangier. Sir William Jones, after some observ-

* Oldmixon.

ations on the use that had been made of Tangier, as a nursery for Popish soldiers, broadly argued, that it would be imprudent in the House to grant any money to the Crown, till they should be satisfied that it would not be employed to the destruction of the Protestant religion. He was supported by Lord Russell, who declared that whenever the King should free the House from the danger of a Popish successor, and remove from his Council and places of trust all those that were for the Duke's interest, he should be ready to give all he had in the world ; but, till then, a vote of money would only have the effect of destroying themselves with their own hands.

Lord Russell was followed by Sir William Temple, now for the first time a member, who observed, that the debate had become one on the state of the nation, and that by the vote of that day it would be discovered whether the Commons intended to support the alliances made by the Crown. He urged the importance of Tangier, and the small expense it would occasion, but he pressed the House to this grant more forcibly in consideration of the low state of the Protestant interest abroad. He entreated the Parliament to come to an agreement with the King.

Notwithstanding this speech, an address was ordered to be drawn up, humbly representing

the dangerous state and condition of the kingdom, in answer to His Majesty's message. The address now presented was in effect a long remonstrance, or abstract of all the grievances of the subject, the whole of which were attributed to the design carrying on to introduce Popery. It ended with declaring that if such designs should succeed, the Commons freed themselves by this protest from the guilt of the blood and devastation which were likely to ensue.

But the Commons were not satisfied with stopping the supplies, and delaying the business of the country: they resolved to proceed against those who had been the most forward in opposing the bill of Exclusion. As no special crime could be urged against Lord Halifax, they voted an address to the King, to remove him from his presence and councils, on the ground of the Earl's having advised the late prorogations. Lord Russell and Sir William Jones, who had formerly been friends of Lord Halifax, were silent on this question.* The King, in his answer, said that he did not think the reasons given in the address sufficient to induce him to remove the Earl of Halifax. "But whenever the "House," he added, "shall in a due and regular

* Burnet.

“ course, prove any crime, either against the
“ said Earl, or any other person, who either now
“ is, or hereafter shall be, in his council, he will
“ leave him or them to their own legal defence,
“ without interposing to protect them.” By
these words he tacitly gave up the power assumed
in the case of the Earl of Danby. Mr. Seymour,
the great opponent of the Exclusion Bill in the
Commons, was impeached for diverting money,
when treasurer of the navy, to other purposes
than those to which it had been appropriated.
It is impossible to say whether this charge was
founded, or not, but the use made of it at this
time to punish a very different offence, was fac-
tious and ungenerous. The Commons next pro-
ceeded to the trial of Lord Stafford, one of the
five Popish Lords in the Tower. He had to con-
tend not only with the improbable evidence of
Oates, Dugdale, and Turberville, but also with
the legal talents of Maynard and Jones; the re-
sult was that he was found guilty by 55 peers,
against 31 who acquitted him. Amongst those
who voted him guilty, were the Duke of Lauder-
dale, Lord Guildford, Lord Sunderland, Lord
Nottingham, and Lord Anglesey, all staunch
supporters of the prerogative. Lord Stafford,
after his condemnation, told Burnet, who had
been sent to him to procure a confession, rather
than a conversion, that he could give information

very interesting to the nation, which would implicate the Duke of York, and other great men, little suspected; and he desired to know if he might obtain a pardon for the discovery. Doctor Burnet communicated his proposal to Lord Russell and others, who said, that if he told the whole truth, they would do all they could in his behalf. Upon this, he asked to be brought to the House of Lords, where he began a history of all the counsels that had taken place in concert with the Duke of York, since the King's restoration, for the re-establishment of the Catholic religion, by means of a toleration. But upon the mention of Lord Shaftesbury as one of the conspirators, there was great tumult in the House, and he was desired to withdraw.*

Both Lord Shaftesbury and the Duke were enraged with this attempt to impeach them; and no effort in Lord Stafford's favour could have been afterwards made with success.

The Sheriffs, Bethel and Cornish, did not allow the last scene of Lord Stafford's life to pass without debate. The King having, upon

* It is said, in James's Life, that Doctor Burnet was not allowed to see Lord Stafford without the presence of a warder, and all this story is tacitly contradicted. But Burnet's positive evidence weighs, with me, more than this implied denial.

the prayer of the House of Lords, remitted that part of the sentence which ordered him to be drawn and quartered, they put the following queries to the House of Commons: —

1st. Whether the King, being neither judge, nor party, can order the execution?

2d. Whether the Lords can award the execution?

3d. Whether the King can dispense with any part of the execution?

4th. If the King can dispense with some part of the execution, why not with all? *

Serjeant Maynard said that he considered these questions as an artifice of the Papists to make a difference between the Lords and Commons. Sir William Jones, though he allowed that, according to Lord Coke, a nobleman, judged to be hanged for felony, could not legally be beheaded by the King's warrant, observed, that Englishmen were in their nature not severe, and that the substance of the sentence might be performed without the circumstance. He concluded by moving this extraordinary vote, which passed without opposition:

* The reader will observe how different this is from Mr. Hume's way of stating the question of the Sheriff, — "Since he cannot pardon the whole," said they, "how can he have power to remit any part of the sentence?" Hume, vol. viii. p. 143.

— “That this House is content that execution
“ be done upon Lord Stafford, by severing his
“ head from his body.”

Lord Russell is said to have been one of those who approved of the barbarous interference of the sheriffs. Echard is the only authority I know for this story. * His words are, speaking of Lord Russell, “Whatever may be said of his standing up for the liberties of his country, he can hardly be cleared from thirsting after the blood of others; especially the Lord Stafford, against whom his zeal transported him so far, that he was one of those, who, with Bethel and Cornish, questioned the King’s power in allowing that Lord to be only beheaded.” Burnet, Kennet, Reresby, North, and Evelyn, are silent on the subject. It does not appear by the parliamentary History of Grey, Chandler, or Cobbett, that Lord Russell took any part in the debate in the Commons; and I know not that Mr. Hume had any authority for saying that “Lord Russell, notwithstanding the virtue and humanity of his character, seconded in the House the barbarous scruple of the sheriffs.” Yet the testimony of Echard is sufficient for inducing us to think it probable, that Lord Russell, in some way or other, gave his approbation to the

* Echard, vol. ii. p. 694.

queries of the sheriffs, and it is undoubtedly the circumstance, if true, the most to be lamented in his whole life.

It is the privilege of the philosopher, and the duty of the historian, to mark such actions with unqualified censure. But to men engaged in the business of public life, such an occurrence may suggest further reflections. They must feel how much of their conduct, even when directed to the most laudable objects, must be tinged by the errors attached to hasty judgment, the confidence inspired by party fellowship, and the violence roused by perpetual contention. How many of their most applauded scenes want a defence in the eye of reason! how much of what is now their boast will require an apology at the tribunal of posterity!

It is, no doubt, the observation of these errors, which has often led men of scrupulous delicacy into a worse fault, and induced them to decline all co-operation in political concerns. They thus become totally useless to their country; and to avoid the chance of being wrong, omit the opportunity of performing durable and essential services.

There is one more observation to be made on the conduct of Lord Russell on this occasion. It must not be supposed that he wished to aggravate the pain of Lord Stafford's situation.

His motive, no doubt, was, as Mr. Fox has remarked, to prevent the Crown from assuming the power of remitting the whole, as well as a part of the punishment.

The blood of Lord Stafford was nearly the last that was shed on account of the Popish Plot. The Court, and their instruments, the judges, had begun to discountenance the witnesses some time before. The Commons were entirely engaged in the dangers of the succession, and had received, as we have seen, a reproach from the Throne on their remissness, before they turned from that subject to the trial of the Lords in the Tower: and the people themselves, moved by the age and infirmities of Stafford, were awakened from their fears by the spectacle of his execution, to the feelings of pity, and a more correct use of their judgment.

Dec. 15. On the 15th December, the King made a speech to the Houses, putting them in mind of his alliances, and the state of Tangier, and asking what it was they desired from him.

The House, instead of immediately proceeding to the consideration of the King's speech, appointed the ensuing Saturday for that business, and then resolved itself into a grand committee, to secure the kingdom against Popery and arbitrary government. Lord Cavendish moved for

a Bill, for the association of the King's Protestant subjects. This measure was ably opposed by Mr. Harbord, who remarked, that ever since the trial of Wakeman, the clergy had preached up the danger of fanatics to be greater than that of Papists, and that to disinherit the Duke was against the law of God. He, therefore, feared that the present Bill might serve to show the divisions among the Protestants, and be at last evaded. The Bill itself was an imitation of one of Queen Elizabeth, to prevent a Popish successor * ; but, as Sir William Jones observed, all the privy counsellors were then for the interest of the Queen ; whereas they were all now for that of the successor. This, and the other objections before mentioned, probably determined the promoters of the Bill not to press it with great eagerness.

On the 17th, the House made further resolutions for bringing in several Bills. One for more effectually securing the meeting and sitting of parliaments ; another, enacting, that the judges should be appointed during good behaviour ; and another, to make illegal exaction of money upon the people high treason.

On the 18th, the day appointed for taking the King's speech into consideration, Mr. Hampden,

* See this Bill at length, in the Harleian Miscellany, vol. vii.

after a long speech, moved for an address, to assure the King, that when he should be pleased to grant such laws as were necessary for the security of our religion, they would be ready to give him what money his occasions might require.

He was followed by Lord Russell, who said, —
“ Sir, seeing it so apparent that all our fears of
“ Popery arise from and centre in the Duke, and
“ that it is impossible the affairs of this nation
“ should ever settle on a good Protestant bottom
“ as long as there is a Popish successor, which
“ cannot be prevented but by the Succession
“ Bill ; that there may be no ill construction
“ made of our desires, I would humbly move
“ you to offer to supply the King with what
“ money he may need for the support of
“ Tangier and alliances, upon his granting of
“ the Succession Bill only ; that so His Majesty
“ may have no reason to be diffident of us ; not
“ doubting but that if we can once lay a found-
“ ation for a good correspondence, that His
“ Majesty will take so much content in it,
“ beyond what he doth now enjoy, that, to pre-
“ serve it, he will afterwards grant us what more
“ Bills may be further necessary for the security
“ of the Protestant religion. And, therefore, I
“ am not for clogging this address with any re-
“ quest for any thing more than that one
“ Bill.”

This speech shows, that, however unwilling Lord Russell may have been to engage in the Exclusion Bill, he was fully sensible, that when once in forwardness, it ought to be pursued with firm and undeviating constancy.

He was supported by Sir W. Jones, who said, with profound judgment, “ Without the Exclusion Bill, there can be no expedient but what will leave us in that miserable condition of having, first or last, a contest with our legal King; and there can be no such thing as setting up a power to oppose him, but by putting a kind of supreme authority in the Parliament, with a power to oppose, as well by making war, as laws, which might prove the destruction of the monarchical government.”

The House, however, misled by Mr. Garraway, was in favour of representing all grievances at once; and in the address which was voted on the 30th, we find, besides a petition to the King that he will give his assent to the Exclusion Bill, when tendered to him in a parliamentary way, other requests concerning the judges, the lord lieutenants and deputy lieutenants, justices of the peace, and officers of the army and navy.

A Bill was next brought in to exempt Protestant dissenters from the penalties to which

they, as well as Papists, were liable by the 35th of Elizabeth. This Bill passed both Houses; but when the King prorogued the Parliament, he privately ordered the clerk not to present it to him.

One of the most important labours of this session, was an inquiry into the conduct of the judges. The most obnoxious of these was the Lord Chief Justice Scroggs. Lord Russell introduced, at the Bar of the House of Commons several witnesses, who proved that a grand jury of Middlesex had been dismissed in an irregular manner, when they were about to present the Duke of York as a Popish recusant, and to deliver a petition for the speedy meeting of Parliament. In the debate which followed, Mr. Sydney mentioned that there had been a consultation of the judges about printing; and that they gave their opinion that there was no way to prevent printing by law, as the act concerning it had expired. Upon which, some of the judges were put out, and new ones put in; and a fresh opinion was given, subscribed by all the judges, “That to print or publish
“ any news-books, or pamphlets of news what-
“ ever, is illegal; that it is a manifest intent
“ to the breach of the peace, and the offenders
“ may be proceeded against by law for an il-

“legal thing.”* In consequence of this opinion, a proclamation was issued to forbid printing news without the King’s permission; and Scroggs sent a messenger to seize all unlicensed books and pamphlets of news, and to apprehend their authors.

These facts were strongly commented on by the Whig members. No wonder, it was said, that petitioning for a parliament was discountenanced in the country, when a judge in Westminster-Hall made it a ground for discharging a grand jury, occupied in the execution of their duty.† Such a proceeding amounted to a denial of justice, and was, in fact, a suspension of the laws: for laws themselves are but dead letters, unless their execution is secured.‡ The government of Scotland, it was urged, had been quite altered since the Restoration, by some new laws; and that of England might be soon changed by the perversion of the old.§ The proclamation concerning the press was, in fact, an assumption of legislative power. It was remarked, that an extra-judicial opinion of the judges brought Charles the First into a contest concerning ship-money, and was the beginning of all his difficulties.|| It be-

* State Trials.

§ Col. Titus.

† Sir W. Jones.

|| Mr. Powle.

‡ Sir H. Capel.

hoved the House of Commons, then, to arrest the judges in a course which might prove so fatal both to King and people. Nothing was said on the other side: the discharging of a grand jury while matters are under their consideration, was voted arbitrary and illegal; and a committee appointed to examine the proceedings of the judges. By the report of this committee, many scandalous acts were brought to light. The chief battery, it appeared, was directed against the press. In several cases of persons accused of selling libellous pamphlets, the chief justice had refused sufficient bail, and had told a woman of the name of Jane Curtis, who had sold a libel against himself, that she should expect no more mercy than a wolf that came to devour them. Berry, a stationer, being accused of selling "Observations on Wakeman's Trial," was refused bail, and obliged to attend five times, before he could be discharged, though no information was exhibited against him; and offence having been taken at a pamphlet called "The Weekly Packet of Advice from Rome," a rule was made by the Court of King's Bench, forbidding its being printed or published. Upon this report, the House of Commons came to several resolutions, declaring the discharging of the grand jury illegal and arbitrary; that the Court of King's Bench, in

the imposition of fines, and the refusing of bail, had acted illegally and arbitrarily; and that, in making the rule above mentioned, they had usurped to themselves legislative power.

For these offences, impeachments were ordered against Scroggs, Jones, and Weston. The articles against Scroggs were reported by Sir R. Corbet, on the 5th January. They recited, that Sir William Scroggs, chief justice of the Court of King's Bench, had traitorously endeavoured to subvert the fundamental laws of the kingdom: That having taken an oath duly to administer justice, he had suddenly and illegally dismissed a grand jury, before they had finished their presentments; and, in particular, a bill of indictment against James Duke of York: That, by a rule of the Court of King's Bench he had stopped the publication of the Weekly Packet, in open violation of the rights of the subject: That he had defamed the witnesses on the Popish plot: That, by his excesses and debaucheries, he had brought the highest scandal on the public justice of the kingdom. But the most interesting charges were as follows: —

4. “ That the said Sir William Scroggs,
“ since he was made chief justice of the Court
“ of King's Bench, hath, together with the
“ other judges of the said court, most noto-

“ riously departed from all rules of justice and
“ equality, in the imposition of fines upon
“ persons convicted of misdemeanors in the
“ said court, and particularly in the term of
“ Easter last past, did openly declare in the
“ same court, in the case of one Jessop, who
“ was convicted of publishing false news, and
“ was then to be fined, that he would have
“ regard to persons and their principles in im-
“ posing of fines, and would set a fine of 500*l*.
“ on one person for the same offence, for which
“ he would not fine another 100*l*. And, ac-
“ cording to his said unjust and arbitrary de-
“ claration, he, the said Sir William Scroggs,
“ together with the said other justices, did
“ then impose a fine of 100*l*. upon the said
“ Jessop, although the said Jessop had, before
“ that time, proved one Hewit to be convicted,
“ as author of the said false news; and after-
“ wards, in the same term, did fine the same
“ Hewit, upon his said conviction, only five
“ marks. Nor hath the said Sir William
“ Scroggs, together with the other judges of
“ the said court, had any regard to the nature
“ of the offences, or the ability of the persons
“ in the imposing of fines, but have been mani-
“ festly partial and favourable to Papists, and
“ persons affected to and promoting the Popish
“ interest, in this time of imminent danger

“ from them, &c. ; and at the same time, have
“ most severely and grievously oppressed His
“ Majesty’s Protestant subjects, as will appear
“ upon view of the several records of juries,
“ set in the said court ; by which arbitrary,
“ unjust, and partial proceedings, many of His
“ Majesty’s liege people have been ruined, and
“ Popery countenanced, under colour of justice,
“ and all the mischiefs and excesses of the
“ Court of Star-Chamber, by act of parliament
“ suppressed, have been again, in direct oppo-
“ sition to the said law, introduced.

5. “ That he, the said Sir William Scroggs,
“ for the further accomplishing of his said
“ traitorous and wicked purposes, and design-
“ ing to subject the persons, as well as the
“ estates, of His Majesty’s liege people to his
“ lawless will and pleasure, hath frequently
“ refused to accept of bail, though the same
“ were sufficient, and legally tendered to him,
“ by many persons accused before him only
“ of such crimes, for which, by law, bail ought
“ to have been taken ; and divers of the said
“ persons being only accused of offences against
“ himself ; declaring, at the same time, that he
“ refused bail, and committed them to gaol,
“ only to put them to charges ; and using such
“ furious threats as were to the terror of His
“ Majesty’s subjects, and such scandalous ex-

“ pressions as were a dishonour to the govern-
 “ ment, and to the dignity of his office ; and
 “ particularly, that he, the said Sir William
 “ Scroggs, did, in 1679, commit and detain
 “ in prison, in such unlawful manner, among
 “ others, Henry Carr, G. Broome, Edward
 “ Berry, Benjamin Harris, Francis Smith, senior,
 “ Francis Smith, junior, and Jane Curtis, citi-
 “ zens of London : which proceedings of the
 “ said Sir William Scroggs are a high breach
 “ of the liberty of the subject, destructive to
 “ the fundamental laws of this realm, and con-
 “ trary to the Petition of Rights, and other
 “ statutes, and do manifestly tend to the in-
 “ troducing of arbitrary power.

6. “ That the said Sir William Scroggs, in
 “ further oppression of His Majesty’s liege
 “ people, hath since his being made chief
 “ justice of the said Court of King’s Bench, in
 “ an arbitrary manner, granted divers general
 “ warrants for attaching the persons, and seiz-
 “ ing the goods of His Majesty’s subjects, not
 “ named or described particularly in the said
 “ warrants, by means whereof, many of His
 “ Majesty’s subjects have been vexed, their
 “ houses entered into, and they themselves
 “ grievously oppressed, contrary to law.” *

* The following is Mr. Hume’s account of this impeach-
 ment : — “ The chief justice was very obnoxious for dis-

It would be hardly possible to conceive a more direct progress to despotism, than that which these articles describe. The discretion given by the law seems to have been grossly abused for the purpose of punishing those who were obnoxious to the court. The recollection of the evils here enumerated, and the care of our ancestors to close this avenue to arbitrary power, may be traced in the provisions of the Bill of Rights. It may also be remarked, that the characters which have been handed down to us of the judges of this reign, amply justify the fears that were entertained of their influence. "Lest the means of destroying the best Protestants in England should fail," says Algernon Sydney, in the speech which he left behind him, "the Bench was filled with such as had been blemishes to the Bar." Scroggs, Saunders, and Jeffries, unworthy of the name of judges, were the fit tools of a King above the law. Intemperate and scandalous in their private conduct, savage

missing the grand jury in an irregular manner, and thereby disappointing that bold measure of Shaftesbury and his friends. For this crime, the Commons sent up an impeachment against him, as also against Jones and Weston, two of the judges, who, in some speeches from the Bench, had gone so far as to give the first reformers the appellation of fanatics." Vol. viii. p. 145. It must be allowed, that this is either a careless or an unfair representation.

and merciless in the exercise of their public functions, they were fawning to their Sovereign, indulgent to themselves, insolent and overbearing to the prisoners who obtained at their Bar the appearance of a trial.* North and Pemberton were more respectable; but the one was prejudiced, and the other unprincipled.

The impeachment ordered by the Commons could not be brought to a trial before the dissolution of parliament; but Scroggs was soon after removed from the Bench. His disgrace seems to confirm the truth of the charges against him. It is gratifying to find, that, even in the worst times, public opinion may reach those who debase themselves so far as to abuse the sacred name of justice, and instead of being the organ of the laws, speak from the Bench the language of the Court.

The Commons now passed a vote, in consequence of the general cry against corruption, that no member should accept of any office, or place of profit from the Crown, without leave of the House.†

* If any one thinks this character too severe, let him look at the portraits of these men by North. See Appendix.

† There had been great talk of certain conditions to be offered to the King. Lord Russell was to be governor of Portsmouth; Colonel Titus, Secretary of State; Sir Wil-

A message from the Lords desired their concurrence to a vote, declaring the existence of a Popish plot in Ireland. In agreeing to this vote, the Commons added another, that the Duke of York's being a Papist, had given great encouragement to this plot, as well as that in England.

The last address of the Commons, insisting on the Exclusion Bill, had created great division in the King's council. Sir William Temple thought that, as there existed a difference between the two Houses on the subject, the King might with decency, excuse himself from giving any positive answer. But those ministers, who had been branded in the votes of the Commons, thought there now remained no safety for them, but in a total disuse of parliaments. In order to widen the breach, therefore, they drew up an answer, in which the King told the Commons, that he was confirmed in his opinion against the Exclusion Bill, by the judgment of the Lords. Sir William Temple, who neither

liam Jones, Chief Justice; Lord Shaftesbury was to be Lord Treasurer; but he, when he heard of it, fell into a great passion, that he should be thought capable of sacrificing the public good to his private interest. The report of this project caused the self-denying vote mentioned in the text. Such is the account given in James's Life, for the accuracy of which I will not vouch.

agreed to the spirit, nor prepared the form of this address, was prevailed upon by the King to deliver it. When he appeared at the Bar of the House, Sir William Jones, who had conceived an affection for him, told him, that for himself he was old and infirm, and did not expect to live long; "but you," he added, "will, in all probability, live to see the whole kingdom lament the consequences of the message you have now brought us from the King."

The manner in which this message was received, shows that the House of Commons were resolved to go all lengths, rather than recede from their favourite measure. Mr. Booth said, that as no expedients in lieu of the Exclusion Bill had been proposed, after two years' consideration, and the endeavour of two successive Parliaments, it was plain that nothing plausible could be offered. He, therefore, proposed resolutions, declaring, that without that Bill, neither the King, nor the Protestant religion, could be safe; that without it, no money could be given; that lending money by way of advance upon the King's revenue, should be prevented; and that, as some of the King's advisers had been said to have advised a dissolution of parliament, they should be censured. The motion was seconded by Lord Russell, who was for "sticking to the Bill,

as the only security ; and branding those who had hindered it passing."

This motion brought on a debate upon expedients. A proposal of Sir J. Markham, that the Crown should be settled on the Prince of Orange, jointly with the Duke, was laughed at by the House. Sir L. Jenkins, and Mr. D. Finch, were the only other members who argued in favour of expedients. They were opposed by all the men of ability in the House, and particularly by Colonel Titus ; who said, that to accept of expedients, after such a King had mounted the throne, would be as strange as if there were a lion in the lobby, and they should vote to secure themselves by letting him in, and chaining him, instead of keeping him out.

The resolutions passed were the same in substance as those moved by Mr. Booth. By one of these, the House voted an address to the King, to remove the Marquis of Worcester, the Earl of Clarendon, the Earl of Feversham, Mr. L. Hyde, and Mr. Seymour, from his presence and councils for ever : by another they declared, that till the Exclusion Bill were passed, they could not grant the King any manner of supply : by two other resolutions, they voted that those who should lend money to the Crown upon the customs, excise, or hearth

money, or by any tally, or anticipation upon any branch of the King's revenue, should be adjudged to hinder the sitting of Parliament, and be responsible for the same in Parliament.

The House of Commons seem to have been fully aware that this conduct would bring on a breach with the King. Sir H. Capel declared in the debate, that he never expected to have another opportunity of speaking in that House.

Jan. 10. On the 10th of January, the King
1681. came to the House and prorogued them. A quarter of an hour before, the Commons passed, in a loose and disorderly manner, a resolution, declaring whoever advised the King to prorogue Parliament, was a betrayer of the King, the Protestant religion, and the kingdom of England. In other resolutions they declared the Duke of Monmouth had been removed by the Duke of York's influence, and that they would make an application to restore him to his former power.

A few days afterwards, the Lord Mayor and Common Council presented a petition to the King, that he would be pleased to call Parliament together on the day appointed, that they might finish the important business on which they were engaged. This petition was answered by a dissolution of the Parliament, which was proclaimed on the 18th January, and a new one

summoned to meet at Oxford the 21st of March. The Duke of York, about this time, sent Mr. Churchill, (afterwards Duke of Marlborough,) on a mission to the King, to advise him to prorogue Parliament for a considerable time, to give up his alliance with Holland and Spain, in order to form one with France, and to grant his own recall. The King was averse to all his proposals, excepting that of an alliance with France*, which he allowed him to negotiate.

During the interval of Parliament, the Duke of York was indicted as a recusant, before a grand jury of the county of Middlesex, who found a true bill against him. The cause was removed by certiorari into the King's Bench. The elections went generally in favour of the Whigs. The city of London voted thanks to their old members for their conduct, especially for their support of the Exclusion Bill, and concluded by declaring they would stand by them with their lives and fortunes. We are told by Rapin that this example was followed by most places in the kingdom.

I do not know that I can conclude this chapter in a more entertaining manner, than by giving a satirical description from North, a bitter

* Life of James.

enemy of the Whigs, of a political club which they frequented about this time : —

“ The gentlemen of that worthy society held their evening sessions continually at the King’s Head Tavern, over-against the Inner-Temple gate ; but, upon occasion of the signal of a green ribbon agreed to be worn in their hats in the days of street engagements, they were called also the Green Ribbon Club. Their seat was in a sort of carfour at Chancery-Lane end, a centre of business and company, most proper for such anglers of fools. The house was double-balconied in the front, as may be yet seen, for the clubsters to issue forth in fresco, with hats and no perruques, pipes in their mouths, merry faces, and dilated throats, for vocal encouragement of the canaglio below, at bonfires on usual and unusual occasions.

“ The resolves of the more retired councils and ministry of the faction were brought in here, and orally insinuated to the company, whether it were lies, defamations, projects, &c. and so, like water diffused, spread all over the town, whereby that which was digested at the club over-night, was like nourishment at every assembly, male and female, the next day ; and thus the young boys tasted of political administration, and took themselves for notable counsellors.

“The pastime of this meeting, called The Club, was very engaging to young gentlemen; and one who had once tasted the conversation, could scarce ever quit it; for some or others were continually coming and going to import or export news and stories. There it was known, in half an hour, what any member said at the committee of elections, or in the House, if it sate late; and every post conveyed the news and tales legitimated there; as also the malign constructions of all the good actions of the government, especially to places where elections were depending, to shape men’s characters into fit qualifications to be chosen or rejected.

“They were carriers up and down of seditious talk all over the town; so that a puisne politician, from the universal harmony of discourse, would think the grossest fablings to be truth in perfection.”

CHAP. XIII.

PARLIAMENT SUMMONED TO OXFORD. — KING'S SPEECH. — FITZHARRIS'S PLOT. — EXCLUSION BILL. — DISSOLUTION. — KING'S DECLARATION. — ANSWER OF THE WHIGS. — PRINCE OF ORANGE COMES TO ENGLAND. — EXECUTION OF FITZHARRIS.

THE contest between the King and the House of Commons could not continue much longer. Both parties foresaw, and desired a crisis. * The King, on his part, prepared for it by summoning the Parliament to Oxford, where his party was strong, and where he would have nothing to fear from the resentment of the inhabitants. He went there himself eight days before the meeting. He dismissed from his council, Shaftesbury, Sunderland, Essex, and Temple. On the other hand, a general alarm prevailed amongst the Whig party that some violence was intended. There was a rumour at one time that the Parliament was to be blown up by a new gunpowder plot; but the general idea was, that the King would cause the persons of those obnoxious to him to be seized, under pretence of a conspiracy

* Temple.

against his person and government. The Earl of Essex, accompanied by the Duke of Monmouth, and fourteen other peers, presented a petition to the King, that the Parliament might be held in London. Charles frowned, and gave no answer.

Lord Grey pretends, that, after this repulse, a design was entertained of refusing to attend the Parliament at Oxford; but, however this may be, the members of Opposition, in both Houses, finally determined to appear in their places. But several of them took the precaution of being attended by many of their servants and retainers; and the members for London, in particular, entered Oxford with a large body of men on horseback, having blue ribbands on their hats, with the motto, “No Popery! No Slavery!” — an ominous appearance in such critical times.

The 21st of March being come, the
Mar. 21. King opened the Parliament with the following remarkable speech, which is certainly drawn up with great art and judgment.

“ My Lords and Gentlemen : — The unwar-
“ rantable proceedings of the last House of Com-
“ mons were the occasion of my parting with
“ the last Parliament ; for I, who will never use
“ arbitrary government myself, am resolved not
“ to suffer it in others. I am unwilling to men-
“ tion particulars, because I am desirous to
“ forget faults ; but whosoever shall calmly

“ consider what offers I have formerly made,
“ and what assurances I renewed to the last Par-
“ liament; how I recommended nothing so
“ much to them, as the alliances I had made for
“ the preservation of the general peace in Christ-
“ endom, and the further examination of the
“ Popish Plot; and how I desired their advice
“ and assistance concerning the preservation of
“ Tangier; and shall then reflect upon the strange
“ unsuitable returns made to such propositions
“ by men that were called together to consult,
“ perhaps may wonder more that I had patience
“ so long, than that at last I grew weary of
“ their proceedings. I have thought it neces-
“ sary to say thus much to you, that I may not
“ have any new occasion given me to remember
“ more of the late miscarriages: it is as much
“ my interest, and shall be as much my care, as
“ yours, to preserve the liberty of the subject;
“ because the crown can never be safe when
“ that is in danger; and I would have you like-
“ wise be convinced, that neither your liberties
“ nor properties can subsist long, when the
“ just rights and prerogatives of the crown
“ are invaded, or the honour of the government
“ brought low, and into disreputation. I let
“ you see, by my calling this Parliament so
“ soon, that no irregularities in Parliament shall
“ make me out of love with them; and by this

“ means offer you another opportunity of pro-
“ viding for our security here, by giving that
“ countenance and protection to our neighbours
“ and allies, which, you cannot but know, they
“ expect from us, and extremely stand in need
“ of, at this instant ; and at the same time give
“ one evidence more, that I have not neglected
“ my part to give that general satisfaction and
“ security which, by the blessing of God, may
“ be attained, if you on your parts, bring suit-
“ able dispositions towards it ; and that the just
“ care you ought to have of religion be not so
“ managed and improved into unnecessary fears,
“ as may be made a pretence for changing the
“ foundation of the government. I hope the
“ example of the ill success of former heats
“ will dispose you to a better temper, and not
“ so much to inveigh against what is past, as
“ to consider what is best to be done in the pre-
“ sent conjuncture. The farther prosecution of
“ the plot, the trial of the Lords in the Tower,
“ the providing a more speedy conviction of
“ recusants, and, if it be practicable, the ridding
“ ourselves quite of that party that have any
“ considerable authority or interest amongst
“ them, are things, though of the highest im-
“ portance, that hardly need to be recommended
“ to you, they are so obvious to every man’s
“ consideration, and so necessary for our

“ security. But I must needs desire you not to
“ lay so much weight upon any one expedient
“ against Popery, as to determine that all others
“ are ineffectual ; and, among all your cares
“ for religion, remember, that without the safety
“ and dignity of the monarchy, neither religion
“ nor property can be preserved. What I have
“ formerly and so often declared touching the
“ succession, I cannot depart from. But to
“ remove all reasonable fears that may arise
“ from the possibility of a Popish successor’s
“ coming to the crown, if means can be found
“ that, in such a case, the administration of the
“ government may remain in Protestant hands,
“ I shall be ready to hearken to any such ex-
“ pedient by which the religion might be pre-
“ served, and the monarchy not destroyed. I
“ must, therefore, earnestly recommend to you
“ to provide for the religion and government
“ together, with regard to one another, because
“ they support each other : and let us be united
“ at home, that we may recover the esteem and
“ consideration we used to have abroad. — I
“ conclude with this one advice to you, that the
“ rules and measures of all your votes may be
“ the known and established laws of the land,
“ which neither can nor ought to be departed
“ from or changed, but by act of parliament ;
“ and I may the more reasonably require, that

“ you make the laws of the land your rule,
“ because I am resolved they shall be mine.”

Mr. Williams was chosen Speaker, and made a speech to the King, in a tone of firmness unusual on such occasions. The King, however, did not choose to follow the precedent he had made in the case of Mr. Seymour.

The first business in the House of Commons was a motion to print the votes. This had been done for the first time in the last Parliament, and as it might have some influence on the public, the motion was opposed by Secretary Jenkins, as “ a sort of appeal to the people.” Colonel Mildmay, in answering him, seems to have foreseen the fate of the Parliament; for he remarked, it had been usual for the Court to prorogue or dissolve with a declaration against them, and therefore, it was fit their acts should be publicly known. The motion was agreed to. After the House had desired a conference with the Lords on the subject of the Bill passed in the late Parliament, to repeal the 35th of Elizabeth, Sir Nicholas Carew brought forward the Exclusion Bill. In order to prevent any charge of precipitation, and to give time for the Court to propose expedients, the House put off the debate respecting it. The next vote is one deserving both of attention and imitation: it was a vote of thanks to “ many

counties, cities, and boroughs," who had elected their representatives free of expense.

It is the misfortune of times like those of which I am treating, that the outcasts of society, by working on the passions of contending parties, become the stipendiaries, the idols, and almost the ruin of a nation. Oates and Dangerfield are melancholy instances of this remark. Another is now to be recorded. Fitzharris, an Irish Papist, had endeavoured to gain importance at Court, through the means of the Duchess of Portsmouth, and her woman, Mrs. Wall, by bringing information of the designs of the opposite party. He had introduced Lord Howard to the King, (with what intention is still a mystery,) and for that or other services had received 250*l*.

Happening after this to meet with one Everard, who had been with him in the service of the French King, but had afterwards become connected with the Opposition, he proposed to him to write a libel against the King and the Duke. Everard seemingly consented, but went immediately to his own friends, and brought one of them, whom he hid in a closet. Everard then read the libel, to which Fitzharris added some violent passages against the King; as, "that the Parliament could depose a Popish possessor as well as a Popish successor." And

being told by Everard the book was treasonable, he said, the more treason, the better. What use he intended to make of it, whether to hide it in the pockets of the Whig leaders, or to take it directly to the King, is uncertain. The former was reported as a plan in agitation; and Lady Russell, in a letter to her husband at this time, bids him look to his pockets.

The intentions of Fitzharris, however, whatever they may have been, were frustrated by Sir W. Waller, who being concealed at a second conference he held with Everard, laid the whole matter before the King. Fitzharris was imprisoned in Newgate, and then began to look for safety to the opposite party. He told Sheriff Cornish, that he knew much of the Popish plot. Cornish, with great judgment, immediately told the whole story to the King. The King owned that he had given money to Fitzharris, and that, for three months before, he had been promised by him information of a plot concerning his government and life. The secretaries of state were sent to take his examination, which was nothing more than a tissue of fictions about the Popish plot. To give his discoveries more air, he sent for Sir R. Clayton and Sir George Treby, before whom he swore to the same story. He now became a valuable witness in the eyes of the Opposition, and a

worthless spy in the opinion of the Court. He was removed to the Tower, and an order given to the Attorney-General to prosecute him at law.

Sir W. Waller took the first opportunity of bringing the subject before the House of Commons. The Whigs imagined, that if the life of Fitzharris were spared, he would make important discoveries, not only concerning the Popish plot, but relating to some persons belonging to the Court itself, who, they imagined, had engaged him to put his treasonable paper into the pockets of the Opposition members. In order to save him from prosecution, they voted he should be impeached. But, upon an argument of Lord Nottingham's, that the Lords had, in the reign of Edward the Third, made an order against the trial of any commoner by them, the House of Lords refused to receive the impeachment. This determination was voted by the Commons to be a denial of justice; and for any inferior court to proceed against Fitzharris, was resolved to be an high breach of the privilege of Parliament. In order to relate this affair succinctly, I have somewhat broken the order of time.

The delay in bringing forward the Bill of Exclusion, has been attributed to a desire to see the effect of a proposal made by Lord

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Shaftesbury to the King. It is pretended, that in a private audience, he told the King he had received an anonymous letter, pointing out a method of quieting the disturbances of the nation, without the Exclusion Bill; which, when explained, consisted in settling the crown on the Duke of Monmouth. The King answered him, with surprise and indignation, that such a measure was against law, and his own conscience.*

Whatever foundation there may be for this anecdote, Sir R. Clayton moved, on the 26th March, that the Exclusion Bill be brought in. The motion was seconded by Lord Russell. They both declared they had received addresses in its favour from their constituents. In the course of the debate, Sir William Pulteney, and Mr. Booth, representatives of Westminster, and Cheshire, made a similar declaration. On this day, the expedient hinted at by the King was explained by Sir John Ernly. It was to give to the Duke the title of King, and to his daughter the power of Regent. The Duke was to be banished 500 miles from England. Sir Thomas Littleton spoke at length in favour of this plan. He had no doubt that the people would assemble under the shelter of the law,

* North. Examen. p. 123, 124.

to support the regency of the Prince and Princess of Orange, and a security against any attempt of the Duke would be found in his fears of forfeiting his landed property. Sir W. Jones replied, that to him who was playing for a kingdom, such a stake as an estate in land, would not be worthy of consideration; and that, by the doctrine of the law, all incapacity is done away by coming to the throne; so that the restrictions would of themselves fall to the ground.

After a long debate, the House resolved, that the Bill of Exclusion be brought in.

An impartial observer of those times would probably have been inclined to blame the imprudence of the Whigs in rejecting the limitations offered by the King. Experience teaches us not to rely on the continued support of the people, for the establishment of a check to arbitrary power, entirely prospective in its object. The utmost that the great body of a nation can be brought to do, is to apply a remedy to an evil that has been felt, and to provide at the same time against its future recurrence. By the alarm of the Popish plot, however, a certain degree of popularity had been procured for the Exclusion Bill. At that time, and with all the strength, both in parliament and in the council, which could ever be reasonably expected, the measure

had been tried, and failed. It was evident the Parliament had not been assembled at Oxford for the purpose of granting the petition of the Commons. The best course that remained for the Whigs, was to obtain the banishment of the Duke for life, and rely upon their force for maintaining it. On the other hand, Charles was availing himself with great dexterity of the partiality which is always felt by the people for persons of royal blood. The higher his offers were, the greater appeared the violence of opposition; and he wished to seem oppressed, in order to become an oppressor.

Whilst, however, we withhold the praise of judgment and discretion from the Whigs, it is impossible to deny them a tribute of admiration for their fearlessness and patriotism. Neither the manifest power nor the pervading influence of the Crown prevented their making a direct attack upon the brother of the King, who was at the same time his favourite and friend. Nor did they seek their object by any bye-ways or illegal methods: they asked for the exclusion of James by a bill regularly proposed in a full parliament; and at the same time that they abstained from using force themselves, they not only shut themselves out for ever from the favour, but exposed themselves to the persecution of an arbitrary and vindictive Prince.

On the 28th of March, the Exclusion Bill was read a first time. The House then proceeded to the question of the impeachment of Fitzharris; but Sir W. Jones had hardly entered upon it when the Black Rod knocked at the door, and gave notice that the King commanded the attendance of the House immediately in the House of Lords. After a short speech from the Throne, the Lord Chancellor declared the King's pleasure, that the Parliament should be dissolved, without any previous prorogation. Although this step was taken in great apparent haste, and kept secret till the moment of execution, several circumstances serve to show it had been long premeditated. When Sir William Temple offered to stand for Cambridge, the King informed him that he should have no occasion for his services in this Parliament. And so totally unsupported was the Crown in the House of Commons, that when Secretary Jenkins moved to throw out the Bill of Exclusion, his motion was not seconded. It is also said, that the Duchess of Mazarine spoke of the dissolution in London, some hours before it had taken place at Oxford. *

The King set off in great haste for Windsor, and soon afterwards published a declaration,

* Just and modest Vindication.

assigning his reasons for dissolving the two last parliaments. To the first he objected, that they presented remonstrances under the title of addresses ; voted eminent persons enemies of the King and kingdom, without proof ; arrested many persons under the false pretence of privilege ; stopped the payment of tallies and anticipations ; and, lastly, assumed to themselves legislative power, by interfering in the regular prosecution by law of Protestant Dissenters. The Parliament assembled at Oxford, he reproached with stirring the Exclusion Bill, to which he had declared he never would consent ; and with their vote against the House of Lords, on the subject of Fitzharris. He concluded by warning the people against designing men, who accused him of an intention of laying aside parliaments, and by declaring his determination that, after the lapse of a short period, their meetings should be constant and frequent.

This declaration of the King was, by an order in council, directed to be read in all churches and chapels. The order was very generally obeyed, and the effect produced corresponded to the wishes of the court and clergy. The part which alluded to the Dissenters raised a cry of Church and King through the whole kingdom. Addresses poured in from all sides, vying with each other in fulsomeness and adulation. One

of these, from Norwich, was presented as a libel by the grand jury of Middlesex.

An able answer to the Declaration, under the title of "A just and modest Vindication of the two last Parliaments," was published by the Opposition. It was first written by Algernon Sydney, but a new draught was made by Mr. Somers, afterwards Lord Somers, and corrected by Sir W. Jones. In this pamphlet, the proceedings of the Commons were shown to be agreeable to law and precedent; but, though the argument was clear and convincing, and the stile more than usually correct and forcible, this and other writings, in favour of the Parliament, produced little effect. Nothing could more clearly prove the imprudence of the party in refusing the King's offers.

There was yet another indiscretion of the Whigs, which contributed to give strength to their enemies. Having united themselves closely with the Presbyterians, they had begun too soon to promote measures in their favour. Hence an alarm was excited that the Presbyterians were the same with the opposers of the Court, and that their object was no other than to gain possession of the government of the church; and as the fear of Popery subsided, that of Presbyterianism rose. In accounting for the events of this and the following reign, religious

distinctions must always be kept in view. It will be recollected that Charles lost his object in the first Dutch war by proclaiming a toleration; and it is singular that his adversaries now failed in the same endeavour.

It is difficult to decide, if the conduct of the King had been long premeditated, or if it was the offspring of circumstance and temper. As he was a profound dissembler, it is almost impossible to judge of his views and motives. His admirers have been warm in their praises of his skill; and it is pretended that, some time before this crisis, he entirely changed his usual behaviour, and became thoughtful, prudent, and wary.* That he acted with consummate art, when the moment of difficulty arrived, is not to be doubted; but if we were to fix the period of his projects being matured long before the Oxford Parliament, we should probably fall into the common error of attributing too much to design, and too little to accident and impulse. A pilot cannot determine the exact path of the ship he is about to steer, because he cannot foresee the winds which will prevail; and the statesman can almost as little predict the passions which may influence his course.

* North.

If we may believe Lord Grey, there existed an intention, on the part of the Whig leaders, to resist the dissolution at Oxford, and remain sitting in defiance of the King's authority ; but, by his own account, no preparation seems to have been made for supporting by force this act of rebellion ; and the whole story seems to be got up for the purpose of justifying the execution of Colledge, which soon afterwards took place. We may more readily trust the same authority, when he tells us, that, after the dissolution, all thoughts of resistance were given up, and every thing remained quiet amongst the party for a long time.

July, 1681. It is not well known how far the Prince of Orange was connected with the popular party during the reign of Charles the Second ; but the occurrence I am going to relate will show that he was, at this time, on good terms with Lord Russell and the Whigs. He paid a visit to England, for the purpose of doing away a misunderstanding he had had with the King, and with the hope of raising in the court a jealousy against France, and a desire to try once more a reconciliation with Parliaments. * For both these reasons, the Duke of York was much averse to

* Dal. Appendix.

his coming * : but leave having been given before the Duke could prevent it, he arrived in London, where he was waited upon by Lord Russell, and the two sheriffs, who gave him an invitation to dine in the city ; which he readily accepted. Lord Halifax, Lord Hide, and Mr. Seymour, endeavoured to dissuade him from going ; but he answered, that he had been in England twice before, and had dined both times in the city ; and, upon their representing to him that the city was now in opposition to the King, which it had not been before, he grew angry, and said he had promised, and he would go. Upon this reply, Mr. Seymour immediately posted to Windsor, and got an order from the King for the Prince of Orange to join him immediately. The Prince obeyed, but did not conceal his trouble at being obliged to break his word.

He was unsuccessful in his negotiations with the King, but he persuaded the Opposition to offer the King, after his own departure, a parliamentary supply for the relief of Flanders, without the Exclusion Bill, the limitations, or the displacing of any minister. † But the King was now fully resolved not to meet his parliament. ‡

* Life, p. 690.

† James's Life, p. 692. Dal. App. 301.

‡ Life of James, 693.

It appears, from the dispatches of Barillon, that during this visit the Prince of Orange was often locked up with Lord Russell and Sir W. Jones, and that he became very popular by his journey. *

The death of Fitzharris afforded another occasion for the manifestation of party feeling. This vile wretch hoped, by making a sudden turn against the Opposition, to obtain a pardon from the King ; but he was left to die the victim of his own impostures.

* Dal. App. to Part First, p. 9.

END OF THE FIRST VOLUME.

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